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OFFICIAL REPORT
(HANSARD)

Tuesday, May 8, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, May 8, 2018

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

BATTLE OF THE ATLANTIC

SEVENTY-THIRD ANNIVERSARY

Hon. Ghislain Maltais: Honourable senators, Sunday, May 6, marked the 73rd anniversary of the Battle of the Atlantic, a decisive battle of World War II.

Many people lost their lives, but thanks to these courageous sailors from the Canadian Navy and the merchant marines, the Canadian Forces and their allies received supplies of weapons, ammunition and food. The courage of these sailors is all too often overlooked. People forget. As Canadians, we must uphold our responsibility to never forget those who fought so that we can live in this free country we call Canada, those who gave much of Europe back its freedom, those who helped bring an end to the tyranny that oppressed Europe at the time.

Canada went above and beyond in supplying equipment, food, and soldiers. These sailors gave their lives so that we can be who we are today. As senators and Canadians, we have a duty to keep their memory alive. We owe them that. Unfortunately, these days, Canadian schools fail to mention the sacrifices of these tens of thousands of sailors who lost their lives in the North Atlantic.

The system was very simple. The ships departed from Montreal, Quebec, made a stop in Halifax and from there travelled to Great Britain. They faced a weapon that was virtually unknown at the time, German submarines or U-boats. They were undetectable until the end of World War II. Approximately 90 per cent of sailors would die before reaching a safe port. No one forced them to board those ships. They were there out of a sense of duty. The very least we can do is remember their sacrifices.

This year, I attended the commemoration for the first time together with Commodore Josée Kurtz of the Canadian Navy. She was the first female commander in the Royal Canadian Navy. Some of her family members lost their lives during those perilous crossings.

Today, honourable senators, we must stand with those families. Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Isabelle Charest, Chef de Mission, Head of Delegation, 2018 Winter Olympics; Eric Myles, Executive Director, Sport, Canadian Olympic Committee; Benoit Huot, 20-time Paralympic medallist; and Martin Richard, Executive Director Communications, Canadian Paralympic Committee. They are the guests of the Honourable Senator Deacon.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

OLYMPIC AND PARALYMPIC GAMES 2018

Hon. Marty Deacon: Honourable senators, today in Ottawa we are proud to welcome over 160 Olympians and Paralympians, their coaches and the Olympic and Paralympic leadership team. This morning our Olympians and Paralympians did us very proud as they hosted hundreds of school-aged children at Ottawa University. They truly emulated the Olympic values, the power of the sport, and what sport can mean in making communities strong from coast to coast to coast.

Our athletes and coaches, under the leadership of chefs de mission Isabelle Charest, Olympics, and Todd Nicholson, Paralympics, had the best performances ever. This is the result of hundreds of little pieces of planning over six years, and many trips to Korea, ultimately ensuring that no stone goes unturned for any athlete or coach. The team supporting our team is world-class.

As a reminder, the Olympic Games resulted in 11 gold, 8 silver and 10 bronze medals, for a total of 29 medals; and the Paralympics resulted in 8 gold, 4 silver and 16 bronze medals, for a total of 28 medals.

While our athletes, coaches, staff and families were putting in everything they had to ensure that conditions were ideal for the athletes' success, many nation-building events were taking place off the field of play.

In Canada, schools were engaged and malls were set up with displays and athlete appearances that generated local community excitement.

At Canada House in Korea, the world was welcome; everybody from the world came to see Canada. In collaboration with Pride House International, Canada Olympic House became one of the homes of Pride House. Additionally, as a demonstration of the Canadian Olympic Committee's

commitment to inclusion and diversity, there was a wonderful, warm welcome message to all guests at Canada Olympic House, which I am sure you saw in the media.

Another first this year was the Team Canada Champion Chat. Imagine our students in their classrooms in Canada having the opportunity to talk to Olympic and Paralympic champions live from Pyeongchang.

Our athletes and coaches will be celebrated well over the next two days. Tomorrow they will have a very special surprise presentation made by the Governor General before making their way to Parliament to be honoured and thanked by the Prime Minister — a special day for everyone. I can tell you that Team Canada loves being back together to celebrate.

We will not forget the incredible Olympic and Paralympic Games of 2018. From the opening ceremonies to the extinguishing of the flame, our athletes made us proud of what we do and proud of why we do what we do — but, most important, proud to be Canadian.

Senators, we are all here for the same reason: to do everything we can to make this country better. Today we are reminded that these athletes inspire and have a deep desire to make this country better, both on and off the field of play. They are our sons, daughters, mothers and fathers — Canadians that have made and will continue to make a difference in all areas of the work of the Senate.

Finally, in sport, things do not always go well. Rules are broken, and unethical activity can impact and challenge the values, resilience and hope of our athletes. We are all aware of the continuing issues around doping and the negative impact it can have.

A wonderful Canadian athlete has waited for justice to be served in her sport. I first met Christine Girard in 2010 and watched as she competed as an outstanding weightlifter while competing in India. Christine gave her very best at the Olympics, placing fourth in Beijing and then winning a bronze in London, Canada's first-ever weightlifting medal. After many years of waiting, Christine, who was born in B.C. and grew up in Quebec, has finally been awarded what she has earned, that is, a bronze medal in Beijing and a gold medal in London. It is heartbreaking to know that an athlete who lives by positive values and plays fair did not have her moment on the podium with her anthem. In the near future, Christine will be awarded these two medals in the most appropriate and deserving way. Thank you.

Hon. Senators: Hear, hear!

WORLD OVARIAN CANCER DAY

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, today is World Ovarian Cancer Day, an initiative of the World Ovarian Cancer Coalition.

Every year, on May 8, we recognize the women living with ovarian cancer — the survivors, their families and support systems — and the groups from around the world who continue to fight for funding for a cure and who help all those affected by this deadly disease.

This is very close to my heart, honourable senators, as my wife, Ellen, is a survivor. This July, she will celebrate 22 years since her surgery in her fight against ovarian cancer, and our family is all very thankful for that.

• (1410)

We attended the Breakfast in Teal yesterday morning in Halifax, organized by Ovarian Cancer Canada, in honour of World Ovarian Cancer Day.

We were again told that ovarian cancer research receives less funding than other cancers that are less fatal. From 2005 to 2015, federal funding for breast cancer was $249 million, while that for ovarian cancer was only $38 million over the same period.

According to the World Ovarian Cancer Coalition, ovarian cancer is diagnosed annually in nearly a quarter of a million women globally and is responsible for 140,000 deaths each year. Statistics show that 45 per cent of women with ovarian cancer are likely to survive for five years, compared to up to 89 per cent of women with breast cancer.

When you compare these statistics with the amount of funding received, it is not hard to draw a conclusion.

Honourable senators, we need your help to continue the fight against ovarian cancer. There continues to be no early detection test, and to make things worse, symptoms are too often mistaken for those of other less severe illnesses.

This September, my family will be walking in the Walk of Hope in Halifax to support ovarian cancer research and support. I encourage to you support the walk in your communities across the country.

Please join our family and the countless other families around the world to continue to raise awareness of this disease, to adequately fund research to find an early detection test and, most importantly, a cure. Women in your lives will thank you forever.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mark Arendz. He is the guest of the Honourable Senator McIntyre.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

PARALYMPIC GAMES 2018

CONGRATULATIONS TO MARK ARENDZ

Hon. Paul E. McIntyre: Honourable senators, two weeks ago my colleague Senator Griffin spoke briefly on the achievements of Mark Arendz. I am excited to welcome him to the Senate today.

I had the honour of meeting Mark at the Canadian Biathlon Championships held in my hometown of Charlo, New Brunswick, in late March of this year. Incidentally, the biathlon was held in my name.

Mark was there competing in the biathlon, fresh off his medal streak at the Paralympics in Pyeongchang.

In early March, Mark participated in the Pyeongchang Paralympic Games. These games were the best ever showing for Canada. We took home 28 medals; six of those belong to Mark.

He made the podium in every single race he participated in, receiving gold in the 15-kilometre biathlon, silver in the 7.5-kilometre biathlon, and three bronze medals. He also received another silver in the cross-country skiing team relay.

Mark's story is one of inspiration. When he was seven, he lost his arm in an auger accident. He had to relearn how to do the smallest daily tasks. He is now 28 and one of the most successful Canadian biathletes in the sport today.

The theme for the biathlon in Charlo was Aim for Excellence, and to have excellence, you have to have resilience. Having resilience is the key to success in sports, which is all about persevering and overcoming obstacles.

Mark's relentless dedication to excellence in cross-country skiing is an inspiration to us all. We all hope to see him in Beijing at the 2022 Winter Paralympics.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of family and friends of the Honourable Senator Hartling: her spouse Donald Kennedy, her son Marc LeBlanc and daughter-in-law Jody LeBlanc, her grandson Maxwell LeBlanc, as well as Deanette, Olivia and Scott Turner. They are the guests of the Honourable Senator Hartling.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ONTARIO'S FALLEN POLICE OFFICERS

NINETEENTH ANNUAL CEREMONY OF REMEMBRANCE

Hon. Gwen Boniface: Honourable senators, this past Sunday, May 6, marked the nineteenth annual Ceremony of Remembrance for Ontario's fallen police officers. The ceremony was held in Toronto. Pipe bands led officers from Canada, the United States and Europe in the march along Queen's Park Crescent, arriving at the steps of the Ontario legislature for the official start of the ceremony.

Prior to the beginning of the official ceremony, two recruits representing the latest graduating class from the Ontario Police College read aloud the names of all 266 police officers who lost their lives in the line of duty in Ontario.

Their names are inscribed on a wall at Queen's Park. While we remember them as officers who gave their lives, I want to remind senators of whom they were as people: mothers and fathers, brothers and sisters, sons and daughters. I want to give you one case to demonstrate the legacy they leave behind.

Sergeant Marg Eve was 37 years old, a daughter, a wife and a mother to a six-year-old son and a three-year-old daughter. She was a natural leader, kind and generous. She was killed on Highway 401 near Chatham, Ontario, in June 2000. She had stopped a vehicle believed to have been involved in an armed robbery. A transport truck drove directly into three police cruisers and the suspect vehicle and struck five people, three officers and two occupants of the suspect vehicle.

Constable Patti Pask and Constable Brad Sakalo suffered serious injuries. Sergeant Marg Eve died two days later in hospital, leaving behind young children and her husband, John.

Marg's death resulted in the "move over" law in Ontario to make drivers move over when emergency vehicles are stopped at the side of the highway. Last year, Sergeant Eve's daughter, Colleen, now 21, spoke eloquently of the need for this law and the loss of her mother.

Unfortunately, many other officers lost their lives in similar situations, including Constable Michael Gula, Constable Jim McFadden, and Constable Chuck Mercier, to name just a few.

Honourable colleagues, these are only a select few stories. You can be certain that each and every officer mentioned at the ceremony on Sunday, along with families and friends, have their stories as well. Please take a moment to remember the people behind the inscription and those they left behind.

And to honour Sergeant Marg Eve, please remember to move over and keep our responders safe on our roadways.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Richard McKeagan and Dave Flamand. They are the guests of the Honourable Senator Plett.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

EXPANSION OF THE ELECTORAL FRANCHISE TO WOMEN IN NOVA SCOTIA

ONE HUNDREDTH ANNIVERSARY

Hon. Jane Cordy: Honourable senators, on April 26, I was very pleased to attend a milestone event commemorating the one hundredth anniversary of the expansion of the electoral franchise to women in Nova Scotia. The event was hosted by the Honourable Arthur LeBlanc, Lieutenant Governor of Nova Scotia.

The event was also a great opportunity to celebrate many firsts of women in Nova Scotia. Gladys Porter was elected as the first woman MLA in 1960. Mary Helen Pierro was the first woman elected chief under the Indian Act in Wagmatcook First Nation in 1962. Coline Campbell was the first woman MP from Nova Scotia. Alexa McDonough was the first woman in Canada to lead a major political party. Daurene Lewis was elected as Canada's first female African Canadian mayor in Annapolis Royal in 1984.

Some Nova Scotia women at the event were Rosemary Godin, a former MLA; Suzanne Lohnes-Croft, a current MLA; Minister Kelly Regan, minister responsible for the Status of Women; Diana Whalen the first woman deputy premier in Nova Scotia; Mary Clancy, first woman elected as an MP for Halifax; Myra Freeman, the first woman lieutenant governor of Nova Scotia; and Yvonne Atwell, the first African Nova Scotian woman elected as an MLA.

Honourable senators, in 1972, Prime Minister Pierre Trudeau appointed Margaret Norrie, the first woman from Nova Scotia, to the Senate of Canada; Sister Peggy Butts, who was my high school principal, and Senators Bernard, Coyle and I have represented Nova Scotia in the Senate.

All of these women were appointed by Liberal Prime Ministers. That is only five women since Confederation — not so great.

The right to vote for some women in Nova Scotia did not happen until 1918. The vote was restricted to women who were Canadian citizens over the age of 21. They had to be property owners. These were the same restrictions placed on the male voters, but the number of women property owners in Nova Scotia was relatively small.

The expansion of the vote to women may have been granted in 1918. However, efforts were made through numerous bills in the Nova Scotia legislature dating back to 1891. Unfortunately, there was a strong anti-suffrage presence in the Nova Scotia legislature to stop these bills at every stage.

• (1420)

In his opposition to the 1893 bill to expand the vote to women, James Wilberforce Longley, who was Nova Scotia's Attorney General, spoke about the "sanctity of separate spheres whereby women should be protected from the baseness of politics."

In the 1895 debate he stated that the true functions of women were: "First the bearing and bringing up of children and this is the highest. Second, the creating of home and beautifying of home life. Third to charm men and make the world pleasant, sweet and agreeable to live in. Fourth, to be kindly and loving, to be sweet and to be cherished, to be weak and confiding and to be the object the of man's devotion."

In response to his comments of 1893, a letter to the editor of the *Halifax Herald* stated:

> With due respect to Mr. Longley for his chivalrous desire to save us from self-destruction, we will take the risk of the strain upon our delicate "moral fibre" of depositing a ballot once in four years. Mr. Longley's high-flown rhetoric to the contrary, it is ballots not "personal charms" that count with politicians.

Honourable senators, leaders in Nova Scotia, both women and men, have worked hard to improve opportunities for women in my province. Women have come a long way since Confederation when they couldn't vote. It was refreshing that after the federal election of 2015, 50 per cent of cabinet was comprised of women.

I would like to thank Honourable Arthur LeBlanc for commemorating the achievements and contributions of Nova Scotia women. Many broke barriers and opened the door for others in political life. It was a pleasure to celebrate their stories. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY

FOURTEENTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Rosa Galvez: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on March 10, 2016, and April 26, 2018, the Standing Senate Committee on Energy, the Environment and Natural

Resources deposited with the Clerk of the Senate on May 4, 2018, its fourteenth report (interim) entitled *Canada's Oil and Gas in a Low-Carbon Economy*.

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. Larry W. Campbell, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, May 8, 2018

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TWENTY-EIGHTH REPORT

Your committee recommends that the following funds be released for fiscal year 2018-19.

Scrutiny of Regulations (Joint)

General Expenses	$	2,250
Total	**$**	**2,250**

Respectfully submitted,

LARRY W. CAMPBELL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Campbell, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

CANNABIS BILL

SEVENTEENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the seventeenth report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the subject matter of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, insofar as it relates to Canada's international obligations.

[*Translation*]

CANADA LABOUR CODE PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT BUDGET IMPLEMENTATION ACT, 2017, NO. 1

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

RIDING NAME CHANGE BILL, 2018

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-402, An Act to change the name of certain electoral districts.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

HISTORIC SITES AND MONUMENTS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-374, An Act to amend the Historic Sites and Monuments Act (composition of the Board).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Sinclair, bill placed on the Orders of the Day for second reading two days hence.)

[*English*]

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Marc Gold: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, May 22, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

THE HONOURABLE NANCY GREENE RAINE

NOTICE OF INQUIRY

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the career of the Honourable Senator Raine.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted in this chamber on Monday, May 7, 2018, Question Period will take place at 3:30 p.m.

ORDERS OF THE DAY

TOBACCO ACT
NON-SMOKERS' HEALTH ACT

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS—DEBATE ADJOURNED

The Senate proceeded to consideration of the amendments by the House of Commons to Bill S-5, An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts:

1. *Clause 18, pages 12 and 13*: replace line 36 on page 12 to line 7 on page 13 with the following:

"product, means

(a) that the product

(i) contains a drug that is set out in the prescription drug list, as amended from time to time, established under subsection 29.1(1) of the *Food and Drugs Act*, or a drug that is part of a class of drugs that is set out in that list, and

(ii) is the subject of an authorization issued under that Act authorizing its sale; or

(b) that the product contains a *controlled substance*, as defined in subsection 2(1) of the *Controlled Drugs and Substances Act*, the sale or provision of which is authorized under that Act.".

2. *Clause 20, page 13*: replace line 32 with the following:

"product unless the product and the package containing it display, in the".

3. *Clause 22, page 15*: replace line 21 with the following:

"**(a)** respecting the information that must appear on tobacco products and to-".

4. *Clause 32, page 19*: add the following after line 7:

"**23.3** No person shall promote or sell a device that is a tobacco product or a part that may be used with such a device, whether or not the device or part contains tobacco, if the device or part has an appearance, shape or other sensory attribute or a function for which there are reasonable grounds to believe that it could make the device or part appealing to young persons.".

5. *Clause 36, page 21*:

(a) delete lines 22 to 29; and

(b) renumber the remaining provision and amend all references to it accordingly.

6. *Clause 44, pages 28 and 29*:

(a) on page 28, delete lines 25 to 27;

(b) on pages 28 and 29, reletter paragraphs (f.01), (f.1), (f.2) and (f.3) as paragraphs (f), (e.1), (e.2) and (e.3), respectively;

(c) on page 29, replace line 10 with the following:

"**following after paragraph (e):**"; and

(d) on page 29, replace line 24 with the following:

"**(6) Paragraph 33(e.2) of the Act is replaced by the**".

7. *Clause 52, page 36*: replace lines 9 to 19 with the following:

"**52 Section 42.1 of the Act is repealed.**".

8. *Clause 53, page 36*:

(a) replace line 21 with the following:

"**before Part VI:**";

(b) replace line 25 with the following:

"that are regulated under the *Food and Drugs Act* or that contain a *controlled substance*, as defined in subsection 2(1) of the *Controlled Drugs and Substances Act*."; and

(c) replace line 29 with the following:

"*and Drugs Act*, or on the basis of type of licence, permit, authorization or exemption issued or granted under the *Controlled Drugs and Substances Act*.".

9. *Clause 61, page 40*: replace line 15 with the following:

"or (2), section 25, 27, 30.1 or 30.2, subsection 30.3(1)".

10. *Clause 63, page 40*:

(a) replace line 32 with the following:

"(2), 23.1(1) or (2) or 23.2(1) or (2), section 23.3, subsection 24(1) or (2), section 25,"; and

(b) replace line 33 with the following:

"27, 30.1 or 30.2, subsection 30.21(1) or 30.3(1) or (2),".

11. *Clause 68, page 42*:

(a) replace line 25 with the following:

"**adding "Tobacco products, except those that are manufactured or sold for export";**"; and

(b) replace line 33 with the following:

"**adding "Tobacco products, except those that are manufactured or sold for export".**

(4) The schedule to the Act is amended by replacing the portion of items 1 to 13 in column 2 with the following:

Item	Column 2 Tobbaco Product
1	Except those that are manufactured or sold for export, the following: **(1)** Cigarettes **(2)** Cigars that have a wrapper that is not fitted in spiral form, cigars that have tipping paper and little cigars **(3)** Blunt wraps
1.1	Cigars that have a wrapper fitted in spiral form and that weigh more than 1.4 g but not more than 6 g, excluding the weight of any mouthpiece or tip, other than those referred to in item 1 and those that are manufactured or sold for export
2	Except those that are manufactured or sold for export, the following: **(1)** Cigarettes **(2)** Little cigars **(3)** All other cigars, except those that weigh more than 6 g excluding the weight of any mouthpiece or tip, have a wrapper fitted in spiral form and do not have tipping paper **(4)** Blunt wraps
3	Except those that are manufactured or sold for export, the following: **(1)** Cigarettes **(2)** Little cigars **(3)** All other cigars, except those that weigh more than 6 g excluding the weight of any mouthpiece or tip, have a wrapper fitted in spiral form and do not have tipping paper **(4)** Blunt wraps
4	Cigarettes, except those that are manufactured or sold for export
4.1	Blunt wraps, except those that are manufactured or sold for export
4.2	Cigars, except the following: **(1)** Little cigars **(2)** Cigars that have tipping paper **(3)** Cigars that weigh more than 6 g excluding the weight of any mouthpiece or tip, have a wrapper fitted in spiral form and do not have tipping paper **(4)** Cigars that are manufactured or sold for export
4.3	Little cigars, except those that are manufactured or sold for export
4.4	Cigars that have tipping paper, except those that are manufactured or sold for export and little cigars

5	Except those that are manufactured or sold for export, the following: **(1)** Cigarettes **(2)** Little cigars **(3)** All other cigars, except those that weigh more than 6 g excluding the weight of any mouthpiece or tip, have a wrapper fitted in spiral form and do not have tipping paper **(4)** Blunt wraps
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".

12. *Clause 75, page 44*:

(a) replace line 14 with the following:

"**75 (1) Subsection 4(2) of the *Canada Consumer***"; and

(b) add the following after line 23:

"**(2) Section 4 of the Act is amended by adding the following after subsection (3):**

(4) The *Consumer Chemicals and Containers Regulations, 2001* do not apply in respect of vaping products, within the meaning of paragraphs (a) to (c) of the definition *vaping product* in section 2 of

the *Tobacco and Vaping Products Act*, unless those regulations are amended to expressly provide that they apply in respect of those products.

(3) Subsection 4(4) of the Act is repealed.".

13. *New Clause 79.1, page 47*: add the following after line 14:

"**79.1 If Bill C-45, introduced in the 1st session of the 42nd Parliament and entitled *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, receives royal assent, then, on the first day on which both subsection 204(1) of that Act and section 3 of this Act are in force,**

(a) the definition *accessory* in section 2 of the *Tobacco and Vaping Products Act* is replaced by the following:

accessory means a product that may be used in the consumption of a tobacco product, including a pipe, cigarette holder, cigar clip, lighter and matches, and also means a water pipe. It does not include *cannabis accessories*, as defined in subsection 2(1) of the *Cannabis Act*. (*accessoire*)

(b) the portion of the definition *vaping product* in section 2 of the *Tobacco and Vaping Products Act* after paragraph (d) is replaced by the following:

It does not include devices and substances or mixtures of substances that are excluded by the regulations, *cannabis*, as defined in subsection 2(1) of the *Cannabis Act*, *cannabis accessories*, as defined in that subsection, tobacco products or their accessories. (*produit de vapotage*)".

14. *Clause 80, pages 47 and 48*:

(a) on page 47, replace lines 26 and 27 with the following:

"**38 and 40, subsections 44(2) and (5), sections 56, 62 and 63, subsections 68(1) to (3) and sections 69 and 70 come into force on the 180th**"; and

(b) on page 48, add after line 12 the following:

"**(8) Subsection 75(3) comes into force on a day to be fixed by order of the Governor in Council.**".

15. *Schedule, page 50*:

(a) replace the portion of items 1 to 9 in column 2 of Schedule 2 with the following:

"

Item	Column 2 Vaping Product
1	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
2	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
3	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
4	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
5	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
6	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
7	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
8	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export
9	Vaping substances, except prescription vaping substances and vaping substances that are manufactured or sold for export

"; and

(b) replace the portion of items 1 to 5 in column 2 of Schedule 3 with the following:

"

Item	Column 2 Vaping Product
1	Vaping products, except prescription vaping products and vaping products that are manufactured or sold for export

2	Vaping products, except prescription vaping products and vaping products that are manufactured or sold for export
3	Vaping products, except vaping products that are manufactured or sold for export
4	Vaping products, except vaping products that are manufactured or sold for export
5	Vaping products, except vaping products that are manufactured or sold for export

".

Hon. Peter Harder (Government Representative in the Senate) moved:

> That the Senate concur in the amendments made by the House of Commons to Bill S-5, An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

He said: Honourable senators, I am pleased to rise today to speak to the message on Bill S-5 which proposes to require plain packaging of tobacco products and to regulate vaping.

• (1430)

On the latter point, the government's aim is to strike the balance between the possibility for harm reduction and addiction cessation while also preventing the creation of new nicotine dependency in the population.

[*Translation*]

I want to thank all my honourable colleagues, as well as our colleagues at the other place, for their work on this bill that was introduced in this chamber on November 22, 2016. I would especially like to thank Senator Petitclerc, the sponsor of the bill, and Senators Seidman and Cordy for their work as critics, as well as Senators Dean, Eggleton and others who proposed important amendments to this bill.

[*English*]

Through the amendments introduced both by the Standing Senate Committee on Social Affairs, Science and Technology and in the other place I believe we have demonstrated the positive role the Senate can have in contributing to stronger legislation that advances the health and well-being of Canadians.

I know we all recognize that smoking is a national public health problem. Every year, 45,000 Canadians die from a smoking-related disease and the harms of tobacco use have left a profound impact on many more. These harms are completely preventable and the number of Canadians who continue to suffer from consequences of smoking is unacceptable.

Bill S-5 provides and an important and necessary legislative response to the tobacco epidemic. It provides further foundation for plain and standardized packaging of tobacco products which will further prevent youth and non-smokers from being enticed to try tobacco products in the first place.

Bill S-5 will also provide adults the legal access to better-regulated vaping products. These products can serve as a less harmful alternative to cigarettes and can be a much-needed option for those who have been unable to quit smoking.

Notable changes have been made to the bill by the other place since it was passed here. In addition to some technical amendments, such as aligning different statutes, the other place also approved amendments to Bill S-5 in response to newly emerging scientific evidence and additional feedback from stakeholders.

An important concern raised by witnesses and various stakeholders before the Standing Committee on Health in the other place was that the promotional restrictions on vaping products needed to be strengthened to protect youth and non-users of tobacco products from inducements to use vaping products.

I know some senators originally shared this view in the Senate proceedings. Specifically in the other place there was a concern that Bill S-5 would permit the vaping industry to use lifestyle advertising to promote vaping to youth and non-smokers. Since the bill was introduced in 2016, numerous population and public health studies have emerged that strengthen the link between youth exposure to vaping product advertisements and inducements to use these products.

A sample of the study findings from this year alone include one of the first longitudinal cohort studies which was published in the Journal for Addictive Behaviour, entitled "E-cigarette advertising exposure in e-cigarette naïve adolescents and subsequent e-cigarette use: A longitudinal cohort study." The researchers for this study concluded that:

> . . . exposure to e-cigarette advertising on social networking sites among youth who had never used e-cigarettes increases the likelihood of subsequent e-cigarette use.

Another study from 2017 in the journal *Pediatrics*, entitled "Receptivity to Tobacco Advertising and Susceptibility to Tobacco Products," found that youth ages 12 to 13 had a higher receptiveness to e-cigarettes advertising over tobacco. The study concluded that:

> Receptivity to advertising for each non-cigarette tobacco product was associated with susceptibility to smoke cigarettes.

Emerging information also indicates that adult non-smokers' attitudes and behaviour may also be affected when exposed to lifestyle advertising about vaping.

Given this research and the government's intention to make decisions based on the best evidence available, an amendment was introduced to remove the exceptions that allowed lifestyle advertising for vaping products.

The challenge is to reduce the harms caused by cigarette smoking for those unable to quit and to protect youth and non-smoking Canadians from the harm of vaping products. Because, make no mistake, these products may be less harmful than cigarettes but they are not harmless.

[*Translation*]

Bill S-5 is an important element of this government's anti-tobacco strategy. It is a necessary tool for combating one of the toughest public health problems our society has had to address.

[*English*]

Passing Bill S-5 is also critical to implementing plain and standardized packaging measures for tobacco products in Canada which will reduce the appeal of tobacco packages and the deadly products they contain.

The social and economic costs of tobacco use affect us all. The latest estimate places the total direct and indirect costs at $16.2 billion a year. Think of the positive health outcomes if all 3.9 million Canadians who currently smoke were to switch completely to vaping. They would significantly reduce their exposure to many of the harmful chemicals found in cigarette smoke.

I believe Bill S-5 is an important piece of legislation that provides a tough legislative response to the tobacco epidemic.

[*Translation*]

Honourable senators, I hope you share this view. I know that Senator Petitclerc will provide a much more detailed and certainly more eloquent explanation of the content of the message.

[*English*]

For the moment, I thank senators for their attention on this matter and encourage you to join me in supporting this motion to concur in the message from the other place as there is no time for harm reduction like the present.

Thank you.

The Hon. the Speaker: Senator Joyal would like to ask a question, Senator Harder.

Hon. Serge Joyal: Are you ready to transpose all your comments to the smoking of cannabis for youth?

Senator Harder: I thank the senator for his question and for the interest amongst senators on the subject. As all senators will know, this subject is presently being debated in committee.

I would like to do a comparison as to the restrictions on advertising for both Bill C-45 and Bill S-5 and suggest that they are largely the same, including nothing that is appealing to youth, no sponsorship or testimonials, and mandatory health warnings.

With respect to Bill C-45 specifically, it will establish many of the same advertising restrictions that exist for tobacco products, which would prevent youth from being persuaded to use cannabis products.

Regarding packaging, all cannabis products will be a single uniform colour and tamper evident, while the use of graphics and images will be prohibited. Additionally, labels will need to include mandatory health warnings, a standardized cannabis sign, and information such as "THC and CBD content."

An amendment made to clause 36 of Bill S-5 bans the lifestyle promotion surrounding portrayals of glamour, recreation, excitement, fatality, risk or daring. Bill C-45 also has the same bans.

Clause 32 of Bill S-5 prohibits the promotion of a device that has the shape, appearance or sensory attribute or function that could be appealing to a young person. This is also in the cannabis legislation.

Senator Joyal: Is the honourable senator aware that rock stars already have identified themselves as being mentors for a brand and that there are lifestyle or social events organized — I think there was one in Toronto recently, not last weekend — to promote some brand as being the one that Canadians should be invited to use?

So in fact, there is already in the Canadian society ways to try to circumvent the prohibition that seems to be the one that the government supports in Bill S-5.

Senator Harder: I'm not as well acquainted with rock stars as the honourable senator, but let me simply say that the passage of the bill before us would provide a legislative framework around which I have just described.

• (1440)

Senator Joyal: I don't look like a rock star at all; I'm probably the dullest clothed senator in this chamber.

However, the Legal and Constitutional Affairs Committee recommended in its report last Tuesday that the government should be very much concerned with the advertising and the initiative that companies can take to try and promote the use of marijuana. That's the concern we have. I don't think many senators in this room would disagree with the comments you made in relation to Bill S-5. But doubt remains that in relation to the consumption of cannabis, the proposed regulations that were published three weeks ago by the Minister of Health are stringent enough to prevent the kind of initiative that I just referred to from being barred or, in my opinion, from possibly preventing the spread of smoking cannabis as being a way to live a contemporary life.

It's not to put on the rock star or the promotion or the capacity to smoke, for instance, at jazz festivals or at social gatherings where the crowd is mainly youth or people who are close to the age of 18.

Senator Harder: I thank the senator for his comments. Let me simply say that from the government's perspective, these are matters now before the Social Affairs Committee. I look forward

to participating in the debate when the recommendations of the Social Affairs Committee come to the floor, where this issue and other issues can be debated more fully.

I want to thank the honourable senator for his support for the amendments as I described for Bill S-5.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for Senator Harder. It's hard not to talk about Bill C-45 as we look at Bill S-5 in the message from the House of Commons. In terms of plain packaging of tobacco, I know why we are doing it. At the same time, the contraband market continues to be a growing problem. I was wondering, senator, if you might be able to talk about the lessons learned and what the government is planning to prevent the contraband market if and when marijuana is legalized.

Senator Harder: I thank the honourable senator for her question, which is largely with respect to Bill C-45.

Clearly, the government and law enforcement have learned a good deal from the contraband market in tobacco. It is certainly the government's view that the plain packaging provided for in this legislation and the best health approach, and that health approach is what has evidenced itself in the work of this chamber and the other chamber.

It is the government's view that the implementation of Bill C-45 and the gradual retreat from the black market of contraband and illegal product is in the health interests of Canadians. It's the health approach that we're taking on Bill C-45, and as we are engaged in that, I'm sure the enforcement officials will want to ensure that we are using the best lessons learned from the illegal market in contraband tobacco.

Senator Martin: There's evidence from other jurisdictions like Australia that plain packaging hasn't tackled the contraband issue. In fact, it had the opposite effect. It's hard to discern from a distance with plain packaging what is "real" and what is "fake." These are concerns with marijuana and how that will be addressed.

[*Translation*]

Hon. Chantal Petitclerc: Honourable senators, I am pleased to rise today to support the amendments proposed by the other chamber to Bill S-5, An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts.

[*English*]

Tobacco use remains an important public health issue. Despite our efforts, in Canada, there are still 45,000 smoking related deaths each year. Every 12 minutes, one Canadian dies from a smoking related disease.

The economic impact of tobacco use is also high. In 2012, the total cost of tobacco use was $16.2 billion. Too many people are dying and the burden on Canadian society is too high.

The quickly evolving nicotine product market is presenting us with challenges but also opportunities. We need to ensure that the right tools are in place to respond. Bill S-5 would establish a new framework to address vaping products, which is an important first step in making sure that the government can respond to these opportunities and challenges.

[*Translation*]

First, I would like to thank honourable senators for their attention to this important bill, which will also support the introduction of plain packaging for tobacco products. Senators will recall that Bill S-5 is based on strong evidence. As was recently declared by an American organization, the National Academies of Sciences, Engineering and Medicine, in its report on the public health consequences of e-cigarettes, there is a strong consensus that substituting vaping products for combustible cigarettes can reduce exposure to many chemical, toxic and carcinogenic substances present in cigarettes, such as benzene or carbon monoxide.

The National Academies of Sciences, Engineering and Medicine found that if smoking cessation rates increase as a result of use of vaping products, this will translate into a clear increase in public health benefits by 2050. In other words, the data available indicates that vaping products could have a useful role in public health. That is why Bill S-5 was drafted so as to allow adult smokers to legally obtain vaping products, which are a less harmful source of nicotine than tobacco products.

[*English*]

The proposed legislation will be an important part of Canada's overall approach to reduce the substantial health, social and economic burden resulting from tobacco use. Other components include banning the use of certain additives, including menthol, in all tobacco products, and renewing federal tobacco control strategy.

Over the years, in partnership with the provinces and territories, Canada's approach to addressing tobacco use has helped drive down the number of smokers in Canada. We have had success and tobacco use in Canada is currently at 15 per cent, but this still translates to approximately 4.6 million Canadians who continue to use tobacco products and are at risk of suffering from tobacco-related death and disease.

I believe this bill would provide an important tool by allowing adult smokers to access vaping products as a less harmful alternative source of nicotine and set the path towards reaching our goal of less than 5 per cent tobacco use by 2035.

[*Translation*]

As you know, Bill S-5 was introduced here on November 22, 2016. Once again, I would like to recognize how much work you, honourable colleagues, put into reviewing it thoroughly. The Senate's amendments made the bill even better.

I would also like to thank Senator Seidman and Senator Cordy for their contributions and very constructive collaboration as critics for this bill.

Bill S-5 has since been scrutinized by the other place's Standing Committee on Health, which heard from 23 witnesses representing 16 organizations.

[*English*]

These witnesses included consumer advocates, tobacco and vaping industry representatives, public health experts, academics and government officials. In addition to amendments that were needed for technical reasons, the other place did adopt some amendments to Bill S-5 in response to the feedback from stakeholders. For example, witnesses shared their concern that the promotional restrictions on vaping products needed to be stronger to protect youth and non-users of tobacco products from inducement to use vaping products. To be specific, Bill S-5 would permit the vaping industry to use lifestyle advertising to promote vaping products to youth and non-smokers.

• (1450)

As such, an amendment was put forward to remove the exceptions to the prohibition on lifestyle advertising for vaping products.

Lifestyle advertising, as you know, risks glamourizing vaping products and creating positive associations. These types of promotions could depict vaping product use as associated with a way of life that includes glamour, recreation, excitement, vitality or risk.

There was a concern that lifestyle advertising, even if only permitted in limited contexts, could still entice youth and adults who do not use tobacco products to use vaping products. This, of course, would be counterproductive. The other place agreed that while vaping products may provide benefits to current smokers seeking an alternative to cigarettes, they are still harmful. No one wants vaping products to lead to more cases of nicotine addiction. This amendment to ban lifestyle advertising was adopted to strengthen and improve the bill.

[*Translation*]

Health and safety concerns associated with vaping products were also important to consider, in light of cases of nicotine poisoning and exploding devices, which have been reported in the news. Bill S-5 has numerous provisions to ensure that these products are as safe as possible, including requirements for child-safe packaging and labelling of toxic substances, pursuant to the Consumer Chemicals and Containers Regulations, 2001.

However, the other place recognized that the current Canadian vaping market is dominated by refillable pods and that there are currently no devices available that comply with the regulations. As a result, the committee amended the bill to temporarily allow the sale of refillable vaping devices and to give the industry time to bring devices in line with the regulations, so that adults can access vaping products as an alternative to tobacco products.

During this transition, Canadians will still be protected under the Canada Consumer Product Safety Act, and all other provisions of the act will apply. For example, people who sell vaping products will still be required to report incidents. In the case of an incident involving product safety, Health Canada officials will quickly take appropriate action, which could go as far as recalling the products in question and removing them from the market, if necessary.

[*English*]

Bill S-5 is specifically focused on addressing tobacco and vaping products, with particular concern on products that contain nicotine. However, vaping devices are capable of being used with other substances. As such, the committee adopted two amendments to address this issue.

Bill S-5 had already proposed that vaping products prescribed under the Food and Drugs Act would be exempted from selected youth access restrictions. However, in other jurisdictions, such as the U.S., vaping substances are now being developed that contain substances regulated under the Controlled Drugs and Substances Act.

There is the possibility that in the future such products will be made available on the Canadian market. Therefore, the other place adopted an amendment to allow vaping substances that contain a prescription-controlled substance authorized for sale under the Controlled Drugs and Substances Act to have the same exemptions as prescription drugs under the Food and Drugs Act. In other words, if vaping proves to be an effective way to deliver prescription medication, a young person will have access with a prescription to Food and Drugs Act or Controlled Drugs and Substances Act regulated substances.

[*Translation*]

Another amendment was adopted to take into account the potential use of vaping devices for cannabis consumption. As originally drafted, bills S-5 and C-45 would have applied to vaping substances that contain cannabis as well as to vaping devices and rolling papers. In the interest of clarity, the committee adopted an amendment to exclude vaping substances containing cannabis and cannabis accessories from the proposed tobacco and vaping products act once relevant provisions in Bill C-45 come into effect.

Bill S-5 is not just about regulating vaping products. Tobacco use in Canada is a costly problem in terms of financial resources and human health. Committee members therefore voted to amend Bill S-5 to strengthen the government's powers with respect to tobacco.

We know that warnings on tobacco product packaging are effective in dissuading young Canadians and non-smokers from consuming these products. Another amendment to Bill S-5 would give the government the power to make tobacco companies put information such as health warnings right on tobacco products, including individual cigarettes. That would be one way to inform consumers about the dangers and effects of using them.

The tobacco industry has a long history of finding ways to advertise its products to attract new consumers. That is why amendments were adopted to prohibit the promotion and sale of tobacco devices that have an appearance, shape or other sensory attribute or function that could make them appealing to young people. The same restriction applies to vaping devices.

[*English*]

To provide the government with the ability to respond quickly to concerns emerging in the rapidly evolving tobacco market, while continuing to follow the standard requirements of Canada's comprehensive regulatory process, Bill S-5 was amended to remove requirements to lay any proposed tobacco regulations before Parliament before they can be made.

I have spoken at length about the impacts that Bill S-5 could have on the domestic tobacco and vaping market within Canada. There are also many Canadians employed in the manufacture and retail of these products for both domestic sale and export to other countries. Tobacco and vaping products exist within a global market, and internationally, other jurisdictions have the ability to create their own requirements. Recognizing this, Bill S-5 was further amended to clarify that tobacco and vaping and products manufactured and sold for export to another country would be excluded from prohibitions on the use of certain additives and ingredients that may be allowed in other jurisdictions.

[*Translation*]

The Hon. the Speaker: I am sorry, senator, but your time has expired. Are you asking for five more minutes?

Senator Petitclerc: Please.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Petitclerc: Merci.

[*English*]

As I was saying, I strongly believe these amendments to Bill S-5 make it now a stronger piece of legislation.

Bill S-5 strikes a balance between the harms from vaping products if they induce youth and others to use them and develop nicotine addiction, and the potential public health benefits if they contribute to reducing tobacco-related death and disease.

• (1500)

[*Translation*]

Honourable colleagues, every time someone dies from smoking, an entire family lives through a tragedy that could have been avoided. With this bill, we are trying to save lives, and every life counts. That's why we need to support people who are trying to quit smoking and do everything we can to make sure that no one ever starts. I believe that Bill S-5, as amended by the other place, brings us closer to our objective.

[Senator Petitclerc]

[*English*]

Thank you in advance for supporting this legislation as amended and recommending it for Royal Assent as soon as possible.

(On motion of Senator Seidman, debate adjourned.)

TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate agree to House of Commons amendment 4, as well as House of Commons amendments 1, 2 and 3 made to its amendments 6, 7(b) and 9 to Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts;
>
> That the Senate do not insist on its amendments 1(a)(i), 1(a)(ii), 1(b), 3, 4, 5(a)(i), 5(a)(ii), 5(a)(iii), 5(b), 7(c), 8 and 10(a), to which the House of Commons has disagreed; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, I rise today to speak to the message from the other place on Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts.

Why are we here? As I said in my second reading speech, this bill amends 13 individual acts of Parliament, which makes it an omnibus bill. As with other omnibus bills that have come through this place, there always seems to be one pressing issue that needs to be solved right away, which means trying to pass a giant bill quickly to solve that one problem, leaving no time to examine the other parts.

Of course, I am talking about the Fair Rail for Grain Farmers Act that makes up part of this bill. I have stated in the past, and will again today, that if the government had done that separately, grain would be moving steadily right now as we would have passed it right away.

But the government has chosen to put it in this omnibus bill. Quite frankly, I was disappointed by the attitude of the minister when we asked about this and other things in committee when he appeared, as senators will never roll over and not do our work.

I think the minister got the message.

We here in the Senate took the time necessary to study the bill. Indeed, that is what we did, and we amended the bill and sent it back to the other place for consideration. I would like to thank all honourable senators who took part in the process, especially my colleague Senator Eggleton, who helped me a great deal when I could not be here for the amendment process in committee.

Honourable senators, with such a large number of items in this bill, and indeed the very nature of the new independent Senate, there was always going to be something that we would find that would require a second look. And we did.

I would like to touch on some of the things that I felt strongly about, and still do, that resulted in my proposed amendments.

The amendment to add "directly or indirectly" to the section in clause 15 was accepted by the committee and by the other place. It was necessary to clarify and strengthen the clause by keeping it in sync with the previous section. I thank the government for accepting that amendment.

Another amendment I was particularly interested in was the one to add a review clause. After three years developing and implementing the proposed passenger bill of rights, we would have an opportunity in committee to study it and propose changes, if necessary, at that time and every five years after that. The government's response to reject this amendment indicated that it was addressed in the bill or by existing legislation.

There are indeed sections in the Canada Transportation Act that mandate a brief review on the state of transportation in Canada every year and also a call for a comprehensive review every five years by the minister of the long-term outlook in transportation in matters that the minister deems appropriate. It would have been all the better if that was indicated to us in a message so that I didn't have to go searching for it.

However, I am here to tell you that I will hold the minister to these reviews and will do everything I can in order to see whether the passenger bill of rights is actually working and helping Canadians through those mechanisms or any other way we can.

I will come back to the passenger bill of rights in a moment.

I'm also very pleased to see that the amendment dealing with soybeans was accepted by the other place as well.

I do caution us, though, honourable senators, that we must be diligent in recognizing that there is an ever-changing landscape in agriculture. Who knew 10 or 15 years ago that soybeans would explode into the market like today? A changing marketplace leads to growth in the agricultural and agri-food sectors. I believe we should be watching for other products that may need the same help this amendment provided.

There were also proposals to limit the amount of data that companies would have access to that would be collected by the LVVRs, or locomotive voice and video recorders. This has been a great cause of concern for many stakeholders and, most importantly, for the workers.

We must ensure the protection of privacy of Canadian workers and that the data will not be used for disciplinary purposes. The companies say it will not, and the minister believes that there are adequate protections in the bill for the workers. We shall see.

I will continue to monitor this and will also continue to ask the questions as to what happens when a train crosses the U.S. border: What will happen to the data? Will the protection of that data slow down shipments?

Unfortunately, amendments to deal with these concerns did not pass at committee.

Last, but certainly not least, is the aforementioned passenger bill of rights. The government made a big display that this passenger bill of rights was coming, and Canadians kept talking about the passenger bill of rights, and it doesn't exist — it still doesn't exist — but they kept talking about it.

We were and continue to be concerned that this was not actually part of the bill. The new regime will be created through regulations. The minister is confident this system will produce a robust set of rights and mechanisms to ensure those rights will work effectively.

I am still not sure that this will happen and was dismayed to see that the amendment changing tarmac delays from over three hours to tarmac delays of over 90 minutes was rejected.

We continue to be told that this will not result in people sitting on planes for three hours without the airline having to do anything to recognize safety and comfort.

If the airlines have rules in place now for 90-minute tarmac delays, why would we change it to three hours? Have the airlines begun to change their own 90-minute rules? Will they change it to three hours?

We all know that safety is of the utmost importance, and we should do what we can to ensure that happens. While I have come to the very hard decision not to fight this amendment — and, trust me, it was a hard decision — I remain steadfast in my conviction and will be watching what the regulations entail.

If I don't like what I see, I will use every legislative and political power I have to fight for changes.

Honourable senators, this is a big bill; it was a complicated bill. But, as I previously mentioned, we did our due diligence, and I believe the Senate made the right choices.

Now that we have our message back from the other place, I would like to finally add that I was encouraged by the tone and new-found respect contained in the message. Maybe, just maybe, the other place has finally realized we are part of the legislative process in Parliament too. Maybe.

This bill is about the safety of passengers, the movement of goods, the protection of workers' rights and privacy and much more.

• (1510)

Is it a perfect bill? No. Did the Senate improve the bill? Yes, but not in all the ways I would have liked.

I will, however, support the motion to accept the message from the other place, barring any amendments that may or may not be proposed.

Honourable senators, thank you for your attention.

Some Hon. Senators: Hear, hear.

Hon. Donald Neil Plett: Honourable senators, let me add my voice to what has already been said this afternoon by Senator Mercer and yesterday by others.

While I have been very outspoken on this matter and have been very active on this file, I have not yet had the opportunity to speak to this legislation in the chamber. With that said, I would like to get a few points on the record and in some of them I will be repeating what Senator Mercer just talked about.

Many of us have had a difficult time with this legislation because it is one of the most egregious omnibus bills that can I recall. The bill included absolutely time-sensitive, non-controversial urgent provisions needed for the grain industry, combined with controversial changes affecting industries and sectors that are entirely unrelated to the grain industry. This bill contained provisions setting forth guidelines for the air passenger bill of rights and it dealt with safety provisions in trains.

These are all issues that are deserving of individual scrutiny and study, yet we were not afforded that opportunity. It has already been said that this legislation amends 13 acts of Parliament — thirteen, honourable senators.

For those who are not quite as familiar with the predicament the grain industry found itself in, allow me to elaborate.

In 2014, I had the distinct pleasure of sponsoring Bill C-30, the Fair Rail for Grain Farmers Act, which mandated the timely transportation of grain. Both CN and CP opposed this legislation but when mandated to do so, they were able to move our Western Canadian grain farmers' product to market.

This had a profound impact on our farmers. When the provisions expired, the government extended the requirements for another year. The act was sunsetted as of August 1, 2017. The negative impact this had on grain farmers was astronomical. However, rather than extending the provisions again, which they were perfectly entitled to do, the government held these hardworking farmers to ransom by incorporating these imperative provisions into a controversial omnibus bill.

Honourable senators, there were farmers in my office with tears in their eyes, telling me, "Please, pass this bill quickly. We simply cannot afford to lose another crop year." Meanwhile, the railways were also in my office explaining that they provided good service when they were forced to do so through legislation, and promised that they would again provide good service if mandated by law and by the government to do so.

If the government wanted a more permanent solution to help the grain industry as proposed in the legislation, they could have simply extended the provisions until the passage of the legislation. But no, they played politics at the expense of the grain industry. Honourable senators, this was dirty and entirely unfair.

We were promised in the last election, over and over again, that this government would not be bringing forward omnibus bills. It was also explicitly stated on pages 30 and 75 of their election platform. And yet here we are, and we have yet another broken election promise.

We were told last week that we were not supposed to defeat legislation if it represents the fulfilment of an election promise. Yet now we are being asked to endorse legislation that is in direct contradiction to an election promise.

The Leader of the Government in the Senate told us that, instead, our job in the Senate is to amend legislation. Yet when his representative, Senator Mitchell, came to committee, he opposed each and every amendment that was proposed at clause-by-clause stage.

Needless to say, I am extremely frustrated with how the government has handled this issue at every step of the way. Our committee, however, did an outstanding job studying this legislation as best we could given its all-encompassing nature and our time constraints. The committee and, subsequently, this chamber passed 18 amendments, which may seem like a lot, but again, considering there were 13 acts of Parliament at play, I believe the amendments were very reasonable.

In committee, with the help of other senators, I moved an amendment related to railway interswitching, and I was pleased that after repeated rejections of this amendment at every stage in the House of Commons, and including the minister stating explicitly at our committee that the government would not support this amendment, the government eventually succumbed to political pressure and accepted the amendment. I would like to thank the members of our committee for their support of this amendment. This amendment is a huge win for the grain industry.

Allow me to explain the amendment and its importance. While Bill C-49 had a number of helpful provisions for the grain industry, there was a serious problem in the details of the new long-haul interswitching provision. Through the Fair Rail for Grain Farmers Act, we temporarily enacted extended interswitching to 160 km, which was a simple mechanism that gave shippers, for the first time ever, some competitive options in rail service when shipping grain. Giving shippers and value-added processors the option to interswitch traffic to a competing rail carrier gave them tremendous leverage when negotiating rate and service with their serving carrier.

Rather than maintaining this very effective mechanism, the government, through Bill C-49, introduced long-haul interswitching, a complicated and cumbersome mechanism by comparison that would have been useless to certain shippers.

The most serious problem with the LHI mechanism is that it stipulates that shippers who either have an interchange within 30 km of their facility or who are dual-served by two railways at their facility cannot apply for the long-haul interswitching order, regardless of whether that interchange or dual service is going in the right direction of the shipment.

If the purpose of the mechanism is to create competitive options, this prohibition clearly goes against the spirit of providing for competitive options if the only option you have isn't going in the right direction in which you want to send rail cars.

Let me give you an example from my home province of Manitoba. Consider the value-added oilseed processing facilities or grain elevators located in Southern Manitoba. As my colleagues will know, and as has been stated here today, value-added oilseed processing on the prairies is a burgeoning success.

In the last 10 years, canola and soybean processing has more than doubled and is now responsible for $7.8 billion of economic activity for Canada every year. Not surprisingly, for a perishable product like canola oil, the vast majority of which is exported, responsive and efficient logistics are imperative.

It's for this reason that competitive options for rail freight service are a game changer for all grain shippers, but for value-added oilseed processors in particular.

Unfortunately, an oilseed processor or grain elevator located in Southern Manitoba, for example, looking to move a product for export through Vancouver or Thunder Bay would ideally need access to the Winnipeg interswitch, where alternative rail lines would potentially compete for the facility's traffic. However, if the facility happens to be located near the interswitch at Emerson, Manitoba, which is located to the south, right near the U.S. border, the facility would be disqualified from making the interswitch in Winnipeg.

Obviously, it doesn't make sense to use the Emerson interchange if the traffic were trying to go to, say, Eastern Canada. Clearly this doesn't give the facility a competitive option for any of their product they may want to send west or east. Under the legislation, as it was drafted, this is exactly the scenario a facility in this location would face.

Grain shippers, oilseed processors and farmers who appeared at committee all supported a very simple technical amendment to address this issue. By inserting the wording into the provision that allows the nearest interchange point to be "in the reasonable direction of the shipper's destination," this clause could give all shippers some real, competitive options.

• (1520)

The grain sector was obviously disappointed to see the Liberal government shut down this amendment at every possible opportunity in the other place, but have been thrilled that the Senate was able to realize this important change.

Another amendment, which I was thrilled to be involved in and jointly sponsor with Senator Griffin, was to add soybean to the Maximum Revenue Entitlement protection of farmers. The Maximum Revenue Entitlement, or MRE, is an important protection for farmers who ultimately bear the cost of rail freight. Exorbitant rate hikes are a natural consequence of a system that operates in a near monopolistic environment, and farmers need this protection. For no justifiable reason, the government elected, in this bill, to exclude soybean and soy products from this protection.

When the MRE was first established in 2000, soybeans were barely grown on the Prairies, and, therefore, it was not included in the original schedule listing the eligible crops.

Since then, soy has become a major economic generator in the Prairies, particularly, again, in my home province of Manitoba. Over the last four years alone, seeded acreage in Manitoba jumped 80 per cent, with close to 2.5 million acres of soy sown in Manitoba this year. Soy is becoming a huge agriculture success not only in Manitoba but across the country, now contributing $480 million to Canada's GDP annually, and is linked to thousands of jobs. I am very pleased that the government accepted this amendment and thank Senator Griffin for her leadership on this issue.

Since the government tabled their response to our amendments, I have received countless emails, letters and phone calls from the grain industry urging us to please pass this legislation without further delay. I completely understand their urgency. These farmers need this legislation enacted as soon as possible to survive this crop season.

However, there are a few amendments that we passed that the government rejected for no apparent reason. For example, Senator Griffin proposed another amendment related to long-haul interswitching. It has become apparent that the Maritimes have been quite literally ignored when it comes to rail service. Under Bill C-49, as it stands, long-haul interswitching is not an option for shippers from Western Canada to Maritime ports due to the nearest interchange to Saint John or Halifax being in Montreal, in the centre of the Quebec-Windsor long-haul interswitch exclusion zone, and the only rail carrier from Quebec City to the Maritimes is CN. Our committee heard from Canpotex, who made it clear that the lack of competition for rail service will make Maritime ports less attractive.

Senator Griffin's amendment, which was a modest solution, exempted shipments destined for New Brunswick and Nova Scotia from the Quebec-Windsor corridor LHI exclusion zone. This would eliminate inadvertent regional disparity, and it mirrors the existing exemption for shipments originating from northern Quebec. This amendment would provide shippers destined for Saint John or Halifax with competitive rail options, making these ports more attractive. We have not yet heard a reasonable objection to this amendment, and it is truly beyond me why the government would have rejected this very sensible and impactful amendment.

Another great amendment that was accepted unanimously at committee was proposed by Senator Mercer, and it dealt with the proposed tarmac delay regulation. Most airlines have a policy of a 90-minute maximum tarmac delay, and the government's proposed regulation would be to double that to a maximum of three hours.

The government stated that when private airlines stipulate their 90-minute maximum, it always comes with a list of exceptions. Similarly, the government would have had every opportunity to stipulate exceptions, for instance, when it comes to safety hazards. However, they rejected this amendment and left the tarmac delay provision at three hours, despite the advice of nearly every affected institution. This is completely nonsensical.

Dr. Gábor Lukács, from the Air Passenger Rights organization, testified at committee and described the inhumane nature of a three-hour tarmac delay. He states:

> Imagine this committee being held captive in a metal tube with wings for 3 hours with scores of other people, with limited or no food or water, possibly clogged toilets, limited fresh air or heat, and absolutely no say in the matter.

I have two minutes left, Your Honour.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Plett: Dr. Lukács continued:

> You would never impose that even on your worst enemies.
>
> Yet, in part, that is what Bill C-49 seeks to inflict upon Canadians.
>
> The Bill seeks to double the length of time passengers may be confined to an aircraft without water and food, from the current 90 minutes to 3 hours.
>
> This is not only inhumane, but also unreasonable.
>
> The current 90-minute rule is binding. An airline that breaks the rule can be fined. For nearly 10 years, passengers and airlines were both content with the current 90-minute rule.
>
> Please, keep the current 90-minute rule . . . .

Colleagues, airlines and, in fact, the Government of Canada need to remember that airlines are a service industry, and their customers do not just pay but pay a significant amount of money in order to take a flight. The idea that the government would be intervening and making regulatory suggestions to decrease the level of service to paying travellers is beyond unacceptable.

So now, with the urgency of this legislation for the grain farmers with the crop season approaching, we are being forced to overlook other areas of this legislation that deserve more scrutiny. There are other industries, like the air sector, for instance, affected greatly by these changes. Yet, we must proceed with this bill quickly, or the farmers will unquestionably lose another crop season. They simply cannot afford that.

Colleagues, clearly the way this legislation was proposed and has been handled is appalling. While the government has put us in a difficult position on this bill, I firmly believe that we need to continue to stand up for air passenger rights, and we, colleagues, need to continue to fight for regional fairness for Atlantic Canada. If the government will not do it, we need to find other measures in the Senate to make sure that these matters do not fall by the wayside.

With that said, like Senator Pratte, I will turtle and not stand in the way of this bill moving forward promptly so that our hard-working Western Canadian farmers can finally get their crop to market.

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the time for Question Period has arrived. We will return to debate on Bill C-49 following Question Period.

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Seamus O'Regan, Minister of Veterans Affairs and Associate Minister of National Defence, appeared before honourable senators during Question Period.

MINISTRY OF VETERANS AFFAIRS

MEDICAL MARIJUANA PROGRAM

Hon. Larry W. Smith (Leader of the Opposition): Welcome, minister. My question deals with medical marijuana. I'm sure you're aware of today's news report that the government is being taken to court yet again by veterans, this time by veterans who claim your department violated its obligation to them by cuts to the medical marijuana program.

I will not ask you to comment directly on that court action. Instead, I would like to you explain or expand on comments you said yesterday:

> We still have a heck of a lot of research to do when it comes to cannabis use and how it affects PTSD and other mental-health conditions.

• (1530)

We have been told that the government's decision to legalize marijuana was evidence-informed, not evidence-based, due to this very lack of research.

Minister, was your department's decision to cut the medical marijuana program evidence-based or evidence-informed? What research was relied upon in making this decision and would you be willing to share it with us?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veteran Affairs and Associate Minister of National Defence: Thank you, honourable senators, and my apologies for the novice assumption there at the beginning — nerves perhaps from being in this august chamber for the second time. I was last here in 1990 for the National Youth Parliament.

The cannabis issue is obviously related to PTSD and it is a complicated file, so let me begin at the end of your question. The decision to go from 10 grams to 3 grams per day came from the College of Family Physicians, and we would be happy to share that information with you, no question.

I can't emphasize enough that we don't authorize the use of cannabis. We don't prescribe the use of cannabis. What we have said is we will reimburse when it is prescribed, so when it is prescribed by a family physician it is up to 3 grams a day. Beyond that we will continue to allow and reimburse but that has to be done on further consultation with the physicians. The physician and the family doctor have to agree.

Frankly, this is a matter of medical professionals taking charge of this file and our deferring to them. Cannabis is not a benign drug. It's something that obviously we're putting a lot of money into. In the larger picture, as we go about legalizing cannabis, we're putting more money into research and this is certainly part of that equation. In the meantime, as I said, we do not prescribe and we do not authorize — we reimburse. The job of prescribing for a veteran is for a family doctor and beyond 3 grams for a psychiatrist.

Senator Smith: Thank you for your answer.

Did cost factor into your decision to reduce by 70 per cent the daily reimbursement veterans could receive for medical marijuana from 10 grams to 3 grams? Did cost influence your decision?

Mr. O'Regan: I don't have that information on hand. I would say, though, that the most important thing is that cost was not the factor here. The factor was making sure that we intend to get this right. We reduced it from 10 to 3 in an attempt to find a happy medium. Again, even then, that's 3 grams that we are reimbursing for, it is not 3 grams that we're authorizing or prescribing. I can honestly say that the singular issue here was the health of our veterans.

COMMEMORATION OF THE KOREAN WAR ARMISTICE

Hon. Yonah Martin (Deputy Leader of the Opposition): Thank you, minister, and thank you for being here today.

The men and women of the Canadian Armed Forces played a critical role during the Korean War, providing the third-largest contingent of forces among the Allied countries that fought in Korea. We know that the enduring bond between Canada and Korea exists to this day.

This year is the sixty-fifth anniversary of the Korean War armistice and in 2013 one of your predecessors, the Honourable Steven Blaney, rightfully declared that year as the "Year of the Korean War Veteran" and many significant events and projects took place in 2013. Five years later, with fewer veterans among us because of their age, I believe that this year's sixty-fifth anniversary should also be commemorated with the kind of attention and support that it deserves.

Minister, I have two quick questions combined into one. In the upcoming June 24 Korea Day ceremony at the National War Memorial, following the ceremony will there be a military parade, as there was in 2013, in honour of our heroes of the Korean War? I was also curious about a dedicated budget for this year, it being the sixty-fifth anniversary of the armistice.

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Honourable senator, I'm happy to report that I will in fact be in Korea later this month leading a delegation of parliamentarians, including an honourable senator, to travel with Korean War veterans to attend commemorative ceremonies in Korea.

We have been working closely with the Korea Veterans Association. We're planning and supporting many ceremonies here within the country. One will be July 27 at the Korea Veterans National Wall of Remembrance in Brampton. Another will take place, as you said, in Ottawa, and we'll continue working with those organizations.

SERVICE DOG STANDARDS

Hon. Joseph A. Day (Leader of the Senate Liberals): Minister, thank you for being here. My question involves post-traumatic stress disorder as well, in relation to service dogs, the training of service dogs and the national standard that has been worked on.

It had been expected that the Canadian General Standards Board would develop a national code of acceptable training and behaviour standards for service dogs. But a few weeks ago the board announced without explanation that it would not be proceeding with this work. It's clear the government recognizes the value of service dogs for veterans with post-traumatic stress disorder. The recent budget even announced expanding the medical expense tax credit to recognize the cost of service dogs.

However, as you undoubtedly know, having an acceptable national standard is one of the conditions for turning the 2015 service dog project into a permanent program. Organizations like the Royal Canadian Legion and Wounded Warriors Canada are worried about the announcement that the board will not be proceeding.

What is your department doing to ensure that a national standard is developed? Who is developing it, how will it be implemented and what is the timeline?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Honourable senator, yes, indeed, the Canadian General Standards Board was tasked some time ago, before my time, with coming up with a standard particularly for service dogs for veterans — psychiatric service dogs, service dogs in the cause of PTSD. A decision was made at the time that perhaps this would be a good opportunity to find a general standard for service dogs in total. They were not able to come to an agreement after some years. When the board made the decision I approved of it and the reason I approved of it was because there was a great danger that the standards for veterans themselves would be diluted. In trying to find an agreement amongst everyone and for service dogs that could be used for many different purposes, it was my strong feeling that the standard we needed for PTSD and for veterans themselves would be diluted. I did not want that to happen, so I supported their decision.

We will be moving very swiftly to find a standard that is targeted towards veterans and PTSD particularly, and I wish the standards board luck in finding one for service dogs as a whole, but my mandate and my purpose is for veterans and particularly those with PTSD.

Senator Day: Can you tell us a little bit more about how you will be going forward? You indicated you will, into the future, be moving forward. This is important to move ahead with very quickly.

Mr. O'Regan: I'm not wasting any time. I didn't waste any time in that decision when it came forward to me that they were not able to reach agreement. I won't waste any time with this. We're working with international standards and I have been talking with Medric Cousineau at Paws Fur Thought who is a terrific, almost a crusader in this cause about coming to those standards very quickly.

Hon. Ratna Omidvar: My question has actually been asked by Senator Smith about cannabis use for our veterans and I want to urge the minister to consider restoring the reimbursement for cannabis use to the other half of the vets who appear not to have it yet.

PENSION BENEFITS

Hon. Pamela Wallin: Thank you and welcome back. I'm glad you survived your young days as a youth delegate here in the Senate Chamber.

Minister, I would like to ask you about lifetime pension provisions. If I read my own email, if I talk to the ombudsman's office, people seem to ask for clarity on what this will mean. We have had the old pension system, we had under the New Veterans Charter the lump sum system, et cetera. Most people agree that the majority of the most severely disabled veterans will be looked after through a combination of programs. The area and the group that seems to be in question is those who are disabled in a range between 20 per cent and 75 per cent. They're disabled. They need help. The extreme programs don't cut it, and the basic pension doesn't.

• (1540)

Have you done some analysis on what the numbers actually are, how this compares with the older systems and whether or not the veterans particularly in that category will have the same financial resources allotted to them?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: First, to the comment that the honourable senator made, I politely disagree. I don't believe it's my place to get into the business of cannabis distribution. I really do believe that by bringing it down to 3 but still allowing reimbursements up to 10 has to be a conversation between a veteran and their doctor or between a veteran and their doctor and their psychiatrist.

We are working very closely with the provinces and territories to make sure that our veterans have increased access to family doctors and to psychiatric care, and we have put money towards that. But I think it's very important that the less government has to do with this and the more this is a conversation between a veteran and a doctor, the better.

We will continue to be in the policy of reimbursement. It's simply that between 3 and 10, we feel that that would need another step of psychiatric care.

To the larger question on Pension for Life from Senator Wallin, first of all, I would be happy to share analysis with this chamber, and we have done extensive analysis. I can say quite firmly that every veteran who falls under the New Veterans Charter will do better under Pension for Life, and we made it retroactive so that anybody who received a lump sum from 2006 on we will treat as if they were receiving an award today. Not to get too much into it, but the basic would be that if they received it today, what would they receive? We would subtract the lump sum and give them the difference going forward monthly for the rest of their life.

The other thing I want to emphasize is that this is not a matter of a lump sum simply being divided monthly and capped. This is not the case. This is tax-free and for life.

I do understand that some veterans would prefer the pension that was received under the Pension Act of 1919. I say that just to reinforce the point that we are talking about a pension that came from a 100-year-old piece of legislation that is now 99 years old. At that time we did not know nor understand, and I would argue that even 10 years ago we did not know or understand, the complexities involved with mental health and psychiatric care.

While the other place doesn't agree on much, they agreed on the New Veterans Charter in 2006, and they agreed that more needed to be done for vocational rehabilitation. It was meant to be an evergreen document, which, as I'm sure most in this chamber know, meant it was to evolve and grow. It did not evolve and grow. When the lump sums came out it did not resonate well with most Canadians. It certainly did not sit well with a lot of veterans. Everybody from my deputy minister, who will tell you that as Chief of the Defence Staff, as he was tending to those who had come home from Afghanistan injured, their families would plead with him not to give that injured veteran a lump sum. It is a lot of money to receive at a young age considering that's all you're getting. That's the feeling. On top of that, there was a feeling amongst many veterans, and frankly many Canadians, that they were now being written off the ledger.

It needed to evolve back to something that would provide financial security, and we believe this monthly amount will provide that. It is graded based on the amount that you are injured, but when we developed Pension for Life, there were two things that were extremely important to me. One is flexibility that you would need, because we understand so much more now about mental health than we did before. It is difficult for me to stand in town halls and in legions across the country to explain this. I think back. It would be simpler to stand up with the Pension Act and say, "You fall into one of three categories."

In some ways, when I talk to veterans about that, they understand that there is an attractive quality to it for them. But we have a responsibility, now that we know so much more about recovery, about PTSD and about psychiatric injury, and we know so much more about how we treat it. It's complex, but we have the ability now to tailor that package to the veteran. With PTSD, we know that sometimes it can take five or ten years down the road. We have to have a system in place that would allow them financial security so that when they go back to work, they could step back should they get unwell and we would look after them financially, and vocational rehabilitation would not stop and would continue and would ramp up.

Then, when they were back, when they were together again — which, I'm happy to report, happens more often than not — we can ease them back into work. So that sort of flexibility was extremely important.

And the second thing, which I alluded to, is work. Meaningful work. There is no better rehabilitation than meaningful work. Structuring a system that in no way disincentivizes meaningful work but rewards it and encourages it and nudges it.

Those are two pillars by which we developed Pension for Life.

EQUITAS LEGAL ACTION

Hon. David M. Wells: Minister, welcome to the Senate. Colleagues may not know that Minister O'Regan is also my local MP. I didn't support you in the election, but I do support everything that you do to help and respect veterans.

With that, the Prime Minister promised in the 2015 election, and this is a quote:

> . . . to ensure that no veteran has to fight the government for the support and compensation they have earned.

Minister, you'll know that promises have been broken by the government. Obviously Canada Post home delivery, the $10 billion deficit promise, electoral reform. This looks like another.

Since your government has been in power, it has spent $38 million in court fighting our veterans, at the same time handing over a $10.5million to a convicted terrorist who was fighting our soldiers — soldiers who are now our veterans.

Can you reconcile for the Senate the situation that a promise was made not to fight those who fought for Canada, yet your government does that now?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Thank you, honourable senator. I'll be frank. I can't stop people from going to court. I'm in touch with a number of these veterans from the Equitas suit. This is the decision they've made. If that's the case and they want to take us to court, I have to make sure the Government of Canada is represented. I'm not comfortable with the situation, to be honest with you. In fact, I've commended them in the other place for the good work that they've done.

Pension for Life, if you look at it and you look at what the men and women of the Equitas lawsuit had been asking for, much of it is in Pension for Life. I commended them for it. They not only inspired it, but much of the detail we took from them as well. Yet it continues, despite my ongoing conversations with them. I really wish it weren't that way, but I can't stop them from going to court, and when they do choose to take us to court, I have to make sure that the government's interests are represented.

I will say this. I am proud of the Bureau of Pensions Advocates at the Veterans Review and Appeal Board, whom we supported in the last two years to a total of $36 million. As far as I know, we're the only jurisdiction that pays for legal support when a veteran decides to appeal any decision regarding their care. So we pay for the representation against ourselves, and over the past two years that has been $36 million. I am proud of that because we are the only jurisdiction that does that.

[*Translation*]

BOOK OF REMEMBRANCE

Hon. Jean-Guy Dagenais: Welcome to the Senate, Minister. We met at the Subcommittee on Veterans Affairs.

The Government of Canada created the War of 1812 Book of Remembrance, which contains the names of more than 1,600 soldiers and First Nations allies who lost their lives during that war. Among the names of the fallen Canadians are the names of more than 150 members of the Royal Newfoundland Regiment who lost their lives in the line of duty. I am sure you will find this most interesting.

It seems that the book has been complete for seven months now, but it still has not been presented in the Memorial Chamber in the Peace Tower. I have asked many questions on the matter. I even snuck in a few words during the meeting of the Subcommittee on Veterans Affairs on March 21. This is how you responded at that time:

> I don't have an immediate answer for you. I can give you an assurance that we will get a response to you in very short order.

More than six weeks have gone by since. Can you tell me when the book will finally be presented in the Memorial Chapel in the Peace Tower?

[*English*]

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: I apologize, honourable senator, for not getting the answer to you in a timely way. I can provide you more detail later, but again, I do apologize for that disrespect.

• (1550)

I'm well aware of the Books of Remembrance. In fact, in the book for Newfoundland, my great-great-uncle's name figures there, Lieutenant Richard Shortall, who fought valiantly in Gallipoli and was written up in the newspapers for saving lives. He went on to Beaumont-Hamel and lost his life there.

I can tell you that we are working with Public Services and Procurement Canada and the Sergeant-at-Arms' office to coordinate the installation of the book in the parliamentary precinct, but I will get you a substantive response in a much more timely fashion. Thank you.

CENTENNIAL COMMEMORATION OF FIRST WORLD WAR ARMISTICE

Hon. Serge Joyal: Mr. Minister, as you well realize, there is not a single day that this chamber sits without thinking of those who sacrificed their lives. As you can see from the eight paintings that decorate the chamber, we are, on a daily basis, called upon to think about and remember those who sacrificed their lives for freedom and for the kind of lifestyle we have in Canada and that we share with some of the world's countries.

Later this year, in November, we will be commemorating the one hundredth anniversary of the end of the First World War. What initiative is your department contemplating to make sure that younger Canadians are made aware of the sacrifice of their forefathers, and how will the Senate be associated in that commemoration so that we can achieve the beauty of remembrance that we all share?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Honourable senator, I know that I will be travelling to France in July, and I will be travelling to Belgium in November for the armistice. I can give you greater detail on how exactly those commemorations will unfold.

I will say this about the involvement of young people. When I travel, I speak at schools. I think all of us have probably picked up on this ourselves: It amazes me how much more involved they are now and in a much more human way than when I was a boy. The common tactic now, to really emotionally involve and to give young people and students a true sense of the sacrifice, is to get to know an individual soldier. They research these people, the singular man — usually a man — over the course of their school year, and then at one particular grade later on, some of them get to travel, and they get to visit the gravestone. It is a very emotional moment for them, because they get to understand the soldier, the family, the sacrifice and the fact that they were people with interests and loves and lives.

I think back to my history books. It was General So-and-So did this, and Major So-and-So did that. It's not to take away from their contributions, but this is something altogether different, and our commemoration department does a very good job on that.

I expect they will hold the same high standard on these two events that I will be attending and others throughout the country, but I would be happy to give you more information.

RECRUITMENT OF INDIGENOUS ARMED FORCES CANDIDATES

Hon. Yvonne Boyer: Welcome, Minister O'Regan. The Canadian Armed Forces have publicly stated that they strive to be a reflection of Canadian society. To be a true reflection, there is a need to monitor and increase the diversity within our military and to make sure it includes the Indigenous population.

Historically, Indigenous people, including my father, volunteered to fight for Canada through both World Wars and into modern conflicts such as Afghanistan. In particular, during the two World Wars, many Indigenous soldiers received numerous battlefield commendations for their bravery and actions. It is, however, well known through media reports that not all Indigenous members have had a positive experience, and they have spoken bluntly about the racism and discrimination they have experienced within the Armed Forces.

I would like to ask whether the Canadian Armed Forces are meeting their goals under the Employment Equity Act when it comes to Indigenous peoples joining their ranks. If not, what steps are in place to ensure that these goals are met, and what steps are in place to retain these members? In other words, how can the Armed Forces tap into the fastest growing population base in Canada to ensure that Indigenous people consider a career in the military and they stay once they're in?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Honourable senator, I don't have a ready answer for that. It falls more under the jurisdiction of my colleague the Minister of National Defence.

I will say, not to speak on behalf of the Chief of Defence Staff, but certainly in my conversations with him regarding inclusivity, he is more than just keen. He is a champion of the forces being more inclusive for exactly the reason that you cite, that that is the best way to get the best talent within the Canadian Armed Forces.

For the Chief of the Defence Staff, you have a very sympathetic ear. More than that, you have a champion.

CASEWORKERS FOR VETERANS

Hon. David Richards: Thank you, minister, for being here. I know you are probably also concerned about this, but I wanted to raise today the ratio of caseworkers to veterans who need and require psychological counselling, which is now about 1 to 25. These veterans are people with families and children, and they are all caught up in the hell of dealing with post-traumatic stress.

I'm asking if this burden can be reduced even slightly. Does Veterans Affairs have any means to lessen this burden on both overworked caseworkers and traumatized veterans?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Honourable senator, we have hired 460 new front-line staff in the past two and a half years. We now operate 11 operational stress injury clinics. We have hired some much-needed mental health clinicians. We are working with the Department of National Defence on a joint suicide prevention strategy. We continue to partner with some 4,000 mental health professionals across the country. In the last budget, we included, I believe, $47 million in order to alleviate some of the backlog.

We are at an interesting point now where there is the beginning of a culture change at Veterans Affairs Canada. The first thing I said to caseworkers who congregated in Charlottetown when I flew in on day two and spoke to them was to give the benefit of the doubt to the person on the other end of the line. To give an example — and if it sounds trite, I don't mean it to be — if they're asking for a $26 bath rail, give them the bath rail. That was held up before. You'd have to take it up the line. I said to them, "I've got your back. If someone says they need it, then they need it."

If there is a case where someone has been a paratrooper and in their fifties or sixties discovers they have bad knees, perhaps we can rightly assume that if you jump out of a helicopter a few hundred times, perhaps your knees could be bad. Where things make sense, we are attempting to give the benefit of the doubt.

I know honourable senators have probably heard extreme reactions from veterans. I am happy to tell you that the vast majority of veterans are happy. They're content. Most of them don't come to Veterans Affairs Canada, because Veterans Affairs Canada looks after those who are ill and injured in service. Most receive their pension and are fine.

Many that we do see, the most common injuries, I would say, are knees, elbows, shoulders and ears. That smaller number, the ones who are inhibited from work, who cannot re-establish themselves in society because of either mental or physical injuries, as Senator Wallin pointed out, yes, we are putting a great deal of time and energy into those individuals.

Backlog is a big problem. I'm an impatient man by nature. I can tell you that when I do these town halls, and having fought for and funded new benefits and services for veterans only to see a veteran or a member of his or her family at the mike saying that it has taken them 12, 13, 14 months and they still haven't received the benefits and services they deserve, that's difficult to take.

So the money we got in the last budget is to overcome the new demand that we have. There has been a change in culture. Because case managers are receptive and because veterans have noticed, we have a huge increase in the number of people who are calling in, and that has increased the backlog. Backlogs and waiting times increase anxiety not only for the veteran but for members of their family, and that is a significant problem, particularly those suffering from PTSD or, frankly, other mental injuries or illnesses.

Alleviating that backlog is an imperative, and we are trying to do our level best to stay ahead of it.

VICTORIA CROSS MEMORIAL

Hon. Norman E. Doyle: Welcome, minister. Three years ago this week, the previous government announced the National Victoria Cross Memorial would be created here in our nation's capital.

• (1600)

The memorial would honour these Canadians who had earned our nation's highest award for valour. Among the winners of the Victoria Cross is our fellow Newfoundlander Tommy Ricketts, as I'm sure you know.

In March 2016, when asked about the monument in the other place, your predecessor stated, "We will get it done." However, since these comments over two years ago, we have not heard a lot about the status of the monument. In fact, an answer tabled in the chamber here on February 26 of this year stated:

> At this stage, no decision has been made with respect to a Victoria Cross memorial.

I feel confident, minister, you will get it done. I want to give you the opportunity today to announce your intention to get it done.

Minister, will your government move forward with the creation of a national Victoria Cross monument?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Honourable senator, thank you. I would say it is vitally important that we do commemoration right. It's vitally important that you do most things right, but commemoration is extremely important.

When we formed government, we found that the previous government promised a number of things that they simply couldn't fulfill. Frankly, when we went to veterans and other stakeholders on such things as the national monument to the mission in Afghanistan, which was committed, veterans weren't consulted on it.

That was a problem for them. When we learned they were not consulted, they also told us that they weren't very happy about the location that had been arbitrarily chosen by the previous government.

So the Commemoration Advisory Group and then a larger stakeholder group, once they looked into it, recommended a new location for the Afghanistan memorial; we're going to move forward with that. We will continue to work with that advisory group on the Victoria Cross memorial and other memorials.

TRANSITION ACTION PLAN

Hon. Paul E. McIntyre: Minister, welcome to the Senate. We met before at the committee level.

Minister, your mandate letter directs you to work with the Minister of National Defence to reduce complexity and strengthen partnerships between the Department of National Defence and Veterans Affairs Canada.

Budget 2017 promised a "convergence action plan" to address overlap and gaps in programming, which I understand has since been initiated. However, I can find no reference to this convergence action plan in Budget 2018.

Minister, could you provide us with specific details on the initiatives being pursued under this action plan and the current timeline for full implementation of each initiative?

Hon. Seamus O'Regan, P.C., M.P., Minister of Veterans Affairs and Associate Minister of National Defence: Senator, thank you for the question. I'll tell you a couple of stories.

First, about this time last year I was out in CFB Esquimalt visiting my younger brother, who is a lieutenant-commander in the Canadian Navy; at the time, he was the acting commandant of the Naval Fleet School at Esquimalt. Normally, he's in charge of the navigation school and quite enjoys taking cadets out on the zodiacs, finding some orca and having a bit of fun. Almost 90 per cent of his work was administrative and human resources. He said to me then, not knowing that I would occupy this position, that we have to do a much better job of getting our service men and women ready to become veterans.

We are some of the best in the world at training men and women to become soldiers. Where we have fallen down on the job is training them to become veterans.

It is a big transition. Not only was it in my mandate letter, but it was the first item the Prime Minister instructed me to work on when he asked me to become Minister of Veterans Affairs and Associate Minister of National Defence. Those two titles aren't coincidental. Those two titles occupying the same position are meant as an indication that we need to start working together. We need to.

You may not see evidence of an action plan. I can tell you that I and the Minister of National Defence are at it all the time. If you thought that taking hold of one bureaucracy would keep your hands full, try putting two together. It is a mountain of work. It is one that we have to get right. We are looking for some easy things that would make that transition easier.

It ties back to the comments I made previously in this chamber about mental health and triggers for people with mental health. When you are in a structured environment for 20 years, 25 years or 5 years of your life, you know where your paycheque is and where your house will be. You know that if you move, you'll be

looked after. If many of the questions and variables that so many of us confront in life are looked after for you and then suddenly they are not one morning, that is jarring. It is jarring for the best of us, I can say.

We have to get this piece right, but it is big and it is complicated. But it can start with little things, and it certainly starts by listening. I grew up in 5 Wing Goose Bay in Labrador, and the base gym was the centre of everything. The base gym is where you went before there was an MFRC. You would have daycare facilities and all sorts of programming for you and your family. What we heard from veterans — and it didn't occur to us — was that when they leave, they can't go to the base gym anymore. It's just done. If you've been going there for 20, 25, 30 years and you just can't, that's jarring. That's your life.

What can we do to make sure they can keep the card for a while longer? That's something we're looking into right now.

I know that sounds like a really small thing, and it's certainly not expensive, but it is one of the things those things, when it's raised at a town hall, where you get the most applause because that's something that really affects people.

I was happy that I looked over and there was Rear Admiral John Newton, who is now retiring unfortunately but was in charge of the Atlantic fleet. He was charged by the Chief of the Defence Staff to go with me and my deputy minister, former CDS Walter Natynczyk, as we travelled the country for exactly that reason. Even though we were going with the object of talking about new benefits and services and Pension for Life, we knew that there would be conversations about conversion, and we knew there would be conversations about transitioning to become a veteran.

He has not only dutifully taken notes but is reporting directly to the CDS on how we can make that transition easier. We've got to get better at it.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm sure all senators would like to join me in thanking Minister O'Regan for being with us today. Thank you, minister.

Hon. Senators: Hear, hear!

[*Translation*]

ORDERS OF THE DAY

TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate agree to House of Commons amendment 4, as well as House of Commons amendments 1, 2 and 3 made to its amendments 6, 7(b) and 9 to Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts;
>
> That the Senate do not insist on its amendments 1(a)(i), 1(a)(ii), 1(b), 3, 4, 5(a)(i), 5(a)(ii), 5(a)(iii), 5(b), 7(c), 8 and 10(a), to which the House of Commons has disagreed; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. René Cormier: Honourable colleagues, it is my turn to comment on the message we received from the other place regarding Bill C-49. First of all, I would like to recognize the government's efforts to improve Bill C-49 by accepting some of the amendments proposed by the upper chamber. However, as Senator Gagné so rightly pointed out in her recent speech, and I quote:

> [The government] rejected every amendment that had anything to do with protecting the constitutional rights of minorities and more vulnerable segments of the population.

That is why, although I am sensitive to the issues facing farmers and the urgency of their situation, and I applaud and support the amendments proposed by some of our colleagues in that regard, including the amendment proposed by Senator Griffin —

[*English*]

It is to extend long-haul interswitching to Maritime provinces.

[*Translation*]

— I would argue that we must not necessarily scrutinize or minimize the aspects of the bill that are equally legitimate, such as guaranteeing access to bilingual services for passengers on

flights within Canada, advocating for the privacy rights of train conductors, and maintaining the independence of the Canadian Transportation Agency.

I proposed an amendment in committee calling on the Canadian Transportation Agency to enact regulations, in consultation with the minister, requiring that air carriers provide services in both official languages. This amendment was a unique opportunity for the minister to move forward with one of the recommendations in the Emerson report and to take concrete action to ensure safety and advance the language rights of all Canadians travelling within Canada.

You'll understand, honourable senators, why I was shocked and disappointed that the minister said once again in the other place that this amendment fell under the Official Languages Act and not his department.

• (1610)

[*English*]

Yet, we have proven time and again the reasons as to why the Official Languages Act cannot be applied in the regulatory framework for the provision of services, in both official languages, in a federally regulated industry sector, which includes airports, aerodromes and airline companies.

Moreover, the Senate legislative counsel and law clerk's office confirmed that provisions dealing with linguistic obligations do not have to necessarily emanate from the Official Languages Act.

Indeed, there are multiple examples of legislative obligations and regulatory frameworks that fall under Transport Canada's purview that establish linguistic obligations without any link to the Official Languages Act. Here are a few: section 304 of the Small Vessels Regulation; article 39 of the Railway Safety Act; and section 8, article 602, of the Canadian Aviation Regulations.

[*Translation*]

Honourable senators, that's why our amendment was proposed as part of the review of the Transportation Modernization Act. That amendment makes it clear that it is up to the Canadian Transportation Agency to decide how strict carriers' obligations should be.

In that context, we completely understand that the implementation of this amendment needs to take into account the reality of small airlines that have fewer resources or that serve very isolated areas. That's why the proposed amendment gives the government as much flexibility as possible in this regard. In light of this information, honourable colleagues, why does the minister keep insisting that this amendment is out of order, and how should we interpret his position? Does it reveal a lack of commitment to protecting Canadians' language rights? Or should we interpret it as a general lack of understanding of the actual content and scope of the Official Languages Act?

If that is the case, honourable senators, it's high time that all the government ministers realized that they themselves have the power to promote respect for both official languages and don't have to constantly offload their language responsibilities onto their colleague at Canadian Heritage.

I would therefore remind Minister Garneau and all his colleagues that language rights are not just the responsibility of the Department of Canadian Heritage and they do not just matter to our official language minority communities.

[*English*]

In Canada, official languages matter to all Canadians, since they are an inalienable part of the social contract that unifies our Canadian Confederation. One's right to be served in the official language of his or her choosing aboard a domestic flight, by an airline company operating in a federally regulated industry, should be equally normal to one's right to carry safely his or her musical instrument aboard an aircraft; and to one's right to not indefinitely wait aboard an aircraft stuck on an airport runway.

[*Translation*]

Out of solidarity with our colleagues from western Canada, I do not plan to oppose the passage of this bill, but for these reasons, I urge the minister to show leadership once this bill receives royal assent and to undertake, as the message we received from the other place says, and I quote :

> . . . further study and consultation with concerned parties, including the federal agencies responsible for official languages, the Official Languages Commissioner and the industry stakeholders . . . to better understand the economic implications and competitiveness on the Canadian air sector;

This would ensure that we deal with the issue of language rights as quickly as possible.

Honourable colleagues, Canadians' fundamental language rights are at stake and it is high time that all members of this government took action on this.

Thank you.

Some Hon. Senators: Hear, hear!

Hon. Pierrette Ringuette: Honourable senators, I share your concerns and your enthusiasm for the application of the Official Languages Act.

As a member of the Standing Senate Committee on Official Languages, do you intend to follow up on your statement regarding official languages in the transportation sector?

Senator Cormier: The Standing Senate Committee on Official Languages is currently studying the modernization of the Official Languages Act. What we are dealing with today does not, strictly speaking, fall within the purview of the Official Languages Act. However, it is clear that there must be an examination of businesses that are federally regulated. We will therefore have to determine the context for doing so, as this is a crucial issue for the enforcement of and respect for language rights in Canada.

[*English*]

Hon. Michael L. MacDonald: Honourable senators, I wish I could say it was a pleasure to be speaking to Bill C-49 again, but it's not really.

I was under the impression that we had conducted an exhaustive review of this legislation, heard from any and all stakeholders, and made what I would suggest were moderate and reasonable adjustments to a very complex and expansive omnibus bill.

I also wish I could say that I'm surprised by the government's response, their outright rejection, with little justification, of most of our good work, but I'm not particularly surprised.

These amendments were based on consultations with and testimony from dozens of witnesses and stakeholders. We sent 18 amendments back to the other place — amendments that came from all political stripes in this place — meant to improve this bill and present a better balance for all stakeholders. Apparently, this means little to the government. Apparently, they have little interest in compromise.

Eighteen amendments may sound like a large number for one bill, but we are dealing with omnibus legislation that proposes significant changes to airlines, air travel, ocean shipping, rail safety and rail shipping. We were tasked with reviewing legislation that affected 13 statutes and contained 98 clauses. Many of the amendments were actually interrelated and, for such an extensive and complex piece of legislation, I think the amendments this body provided were quite sensible.

Our Transport and Communications Committee, led by its chair, Senator Tkachuk, conducted an extensive review of this bill and heard from a wide variety of voices from all industries. Our witnesses identified a lot of legitimate problems and oversights.

With that said, unfortunately, caught up in the government's poor management of this bill are the urgent needs of our grain farmers in this country.

All the government had to do was extend the Fair Rail for Grain Farmers Act, which was passed by the previous Conservative administration. The present government had already extended its use for one year, and farmers were requesting that it be extended for another year. The minister and the government refused. Now we are being coerced to pass a very complex bill and accept the rejection of most of our work by using the legitimate concerns of farmers as a wedge.

Honourable senators, this was all avoidable and unnecessary. The government had the opportunity to split the bill and help facilitate the passage of its time-sensitive aspects, but they unanimously voted against that proposal. Yet here we are, a year since the bill was first introduced, with the grain farmers still patiently waiting for this bill to pass.

I am not going to speak to every amendment that was rejected by the government. Personally, I think they all had merit and were a reasonable compromise in response to the concerns that were presented at our committee. I know there were others in this chamber that have spoken or will speak to other various aspects of the government's response. However, do I want to briefly comment on three of the amendments in particular that were rejected.

First, as you know, the long-haul interswitching exception for the Maritimes that was provided by Senator Griffin's amendment has been rejected by the government.

As originally drafted in the bill, long-haul interswitching would not have been an option for shippers from Western Canada to our Maritime ports due to the nearest interchange to Saint John or Halifax being in Montreal, in the middle of the Quebec-Windsor long-haul interswitching exclusion zone. As a representative of Cantopex told us, without access to competitive rail service and with obvious regional disparity, Maritime ports will be far less attractive.

The solution, as proposed in the amendment by Senator Griffin, would have exempted shipments destined for New Brunswick and Nova Scotia from the Quebec-Windsor corridor exclusion zone, mirroring what is already provided for in the bill for shipments originating from railways in northern Quebec. However, exceptions made for Northern Quebec will not be granted to the Maritimes.

• (1620)

I believe this amendment would have had a positive effect in making maritime ports more attractive for shippers by providing competitive rail options.

I reiterate what I said at third reading: No province has been marginalized and disregarded as much as Nova Scotia has been when it comes to reliable freight and passenger rail service. Between the mid-1980s and the early 1990s, both VIA Rail and CN, one a Crown corporation and the other a former Crown corporation, both Montreal-based, abandoned all of the rail service east of Truro — three quarters of the rail in the province serving two thirds of the province.

The need for this amendment, and the government's rejection of it with little explanation or rationale, only sheds light on how the Maritime provinces have been marginalized for the past few decades when it comes to rail transportation policy and service.

Minister Garneau, a man for whom I have much personal respect, provided very little rationale for the government's response to Senator Griffin's amendment, saying only:

> While we understand the concerns of captive shippers in the Maritimes, we must also ensure the continued viability of the eastern rail network and fluidity through the Montreal area.

I guess the Maritimes are just out of luck.

I believe that the rejection of this amendment is an insensitive decision by a government that believes they can ignore the Maritimes whenever it suits their needs. Apparently, CN is writing government policy in this particular instance.

The government may have swept the seats in 2015, but I can tell you that Maritimers are taking notice of the inaction on the part of this government to promote and protect the interests of residents and business owners on the East Coast of Canada. I think they're in for a rude awakening come 2019.

Second, I want to comment on the amendment proposed by Senator Gagné related to locomotive voice and video recorders.

As you know, the mandatory installation of LVVR equipment in the cabs of locomotives was a primary concern of mine during consideration of this bill. I think amendments put forth by Senator Gagné at committee addressed a very significant aspect of these concerns by removing the random access to this data from the company and restricting access to matters only involved in an incident. This was a more than reasonable compromise to try and balance safety on the rails and the privacy of those working the rails.

Unions representing the railway workers made it very clear that they feel that the use of LVVR equipment in the confined workspace is an unreasonable infringement on privacy in the workplace and that they have legitimate concerns that the random access of this data to the company could be used punitively against them.

I find it troubling that rail workers are being held to a different standard than other transportation industries. I believe the same conditions should be imposed on the rail workers as are on the workers in the air and marine industries. You will not find video cameras within the confines of an aircraft or the wheelhouse of a ship.

Like all reasonable people, I do not want safety compromised in any way, shape or form, but black-box technology, as exists in the airplane cockpits, is already installed on locomotives. There is no objection to the use of audio recordings on locomotives.

I have not heard a convincing argument that this infringement of privacy is justified for the sake of safety. The statistics alone do not justify it. I've reviewed the Transportation Safety Board's statistics on railway accidents and incidents for the past 10 years. When incidents do occur, it is usually with crossing accidents or trespasser accidents. Crossing accidents usually occur when a vehicle makes contact with a train at a level crossing. The one thing we do know is that the train always has the right of way and is never in the wrong place at the wrong time.

Dated and outmoded infrastructure and the actions of others outside of the train are usually mitigating factors. Trespasser accidents occur when people are in the wrong place at the wrong time — again, mitigating factors that occur outside of the cab of the locomotive.

If safety was truly paramount to this government, their focus would be the implementation of positive train control, an automated fail-safe system, aboard all trains in Canada, as is the case presently in the U.S.

Honourable senators, there is a distinct difference between a workplace and a public space. Cameras in public spaces are intended to provide safety for all, not solely for the monitoring of a few. If black-box and audio recordings are sufficient for the proper monitoring of activity in planes and wheelhouses, then surely they should suffice for the cabs of locomotives. Safety is obviously paramount in the airline industry, so why the double standard?

Colleagues, nobody has more at stake when it comes to safety on our roads than do the workers. But I agree with the workers that the use of video monitoring does not meet the test of reasonableness of electronic monitoring in the workplace.

Senator Gagné's amendment, at least restricting the company's access to the data to instances where an incident occurs, was a fair and measured compromise intended to protect the privacy of Canadian rail workers while still providing more than enough data to the Transportation Safety Board and rail companies in the event of an incident.

Third, the government's response to air passenger rights are particularly underwhelming. Not only have they kicked upstairs to the CTA the responsibility to design a passenger bill of rights, but they have doubled the acceptable wait time from 90 minutes to three hours. In this instance, it looks like Air Canada is writing the regulations. This does not fill one with confidence.

I think it's clear, colleagues, that given their mismanagement of this legislation and their heavy-handed response to reasonable amendments, this government has lost its perspective. I can take solace in the fact that the government will have to wear the poor management of this bill. The bill originally came to us as hasty and flawed legislation. When the bill left this chamber, though far from perfect, it was much improved, yet here we are today.

The electorate will be the ultimate judge in this business of ours, colleagues, and I think Canadians are beginning to take notice.

This undue delay has caused an inexcusable problem for our western grain farmers, as has the disregard of the legitimate concerns stakeholders have raised from all transportation industries affected by this bill.

I believe that as senators we have done our job. We have tried to correct what we found to be flawed. The government has rejected most of our good work, and I believe they will have to answer for it.

I do not want to vote against government legislation, but the refusal of the government to provide appropriate interswitching provisions at Montreal to ensure that maritime ports and rail services can compete fairly is simply unacceptable to me as a Nova Scotian.

The government and CN are working hand-in-glove to benefit CN, a highly profitable company, at the expense of the Maritimes. This is wrong, it is unCanadian, and I cannot and will not support it.

Hon. Frances Lankin: Colleagues, I think everyone who has stood to speak thus far, except Senator MacDonald, has indicated that while they have great difficulty supporting all of this bill, they will, at the end of the day, vote in favour of it. I find myself in that situation as well, although I'm very discomforted by it. I'm going to reflect on Senator MacDonald's approach.

Basically, I believe that we have made our recommendations. We have done a good job of that, and the government takes responsibility for the advice that they accept. I want to acknowledge what they did in this case; there were a number of amendments they did accept. They will also take responsibility for the outcome of those recommendations they've rejected.

I am most concerned about the introduction of LVVR in the locomotive cab of trains. I believe very strongly that this is an egregious violation of workers' rights. We have seen, over the last number of decades, a slow continued encroachment on workers' privacy rights. This is one of the most blatant examples — one that takes it to a new level.

I want to say that while I, too, Senator MacDonald, respect the minister in this case, I am going to comment on the record that I was very disturbed from the very beginning in his handling of this bill coming to the Senate. The first words were that he wanted it done by Christmas, and that he would not accept amendments. I am glad the government and cabinet came to a different conclusion after the work the Senate did. I am pleased with the kinds of remarks the minister made in the reading of the government's response to this message back from the House of Commons.

• (1630)

With respect to the minister's defence of this provision, I have to say it was woefully inadequate. I can't find anywhere on the record where he has put forward anything substantive about how this provision of introducing LVVRs is going to improve safety for anyone: for the workers, for passengers, for people involved at level crossings, for any of us.

I look at his comments in the document, and they say that if we passed Senator Gagné's amendment and if they accepted it, it doesn't give the rail industry sufficient latitude to deal with safety problems.

Again, there is no evidence to support that. And, in fact, I think one of the most outrageous displays of speaking without an evidence base was after the Amtrak accident in the U.S. where the minister that day — obviously, I'm sure the media pursued him — was quoted as saying this is exactly why we will go ahead with LVVRs and put them in trains, to avoid situations like this.

Please tell me how an LVVR — a video and voice recording device — in the locomotive cab would have prevented a situation where the train was going 80 kilometres an hour over the speed limit? Do you know what prevents that? It is the satellite monitoring that goes back to the central headquarters where they get on the radio to the engineer and ask, "What the heck is going on?" Or it's a positive train control, which actually failed in this particular circumstance. So while they have it, it didn't work.

Senator MacDonald, we hear — and I think you supported — that upwards of 80 per cent or so of all safety incidents are, in fact, outside of their mechanical, their level crossings, their trespassers. They have nothing to do with engineer safety.

The other example that the minister gave that lacks any evidentiary basis, as far as I'm concerned, was when he referred to Lac-Mégantic. The crews weren't in the locomotive cabs at the time that this horrendous accident happened.

All of us, as you said, want to support safety measures, but there is no evidence that this will improve any safety. There is already an outward-facing camera in the front of the train that looks down the track because the majority of the accidents are at level crossings and involve other vehicles and people on the track.

There's already a black box that records every time the brakes are put on, any time it speeds up and any interactions.

There is radio-enabled contact directly from the engineer to the central operations, and they talk about when problems come up or they see data that's wrong, and they can interject. None of that is aided by a voice and video recorder. I will say that what that does is provide a gross intrusion into the privacy of working people.

The fact is that it doesn't exist in the airline industry, which is the most talked-about mode of transportation with accidents — although it is not the mode of transportation that has the most accidents — and they've never seen fit to put voice and video recording devices there.

However, in the article on Amtrak the minister made it clear that he is open to that consideration.

This is step by step. The minister assures us, after the pressure that has been put on him, that these will not be randomly sampled for disciplinary purposes unless an egregious case comes to light.

The Privacy Commissioner has raised concerns about this. The Transportation Safety Board does not stand behind the minister's interpretation of what they said. His suggestion that there is some kind of an agreement that has come about regarding the need for this for safety purposes is not an agreement inclusive of any of the unions involved. They were weren't talked to about it; they weren't consulted. They disagree, and they live in the workplace.

I have to tell you that over all the years I handled privacy cases involving employers monitoring keystrokes on people's computers, phone intercepts and a range of things in the workplace for control of workers, there have been so many court cases that have pushed back against this and have demanded that employers separate out what is needed for security and/or for safety requirements versus ongoing monitoring of workers and intrusion into their privacy.

I am not going to speak at length because this did not make it back here. We're not supporting a bill with this in it. I think that is a very serious problem. This is one that I hope others of us might continue to talk about because this fight isn't over. We may want to see a beachhead on this before we take it up in the airline industry or in parts of the marine industry for ocean-going vessels, et cetera.

I offer my praise to the government for, in the end, moving off the stance that had been provided at a ministerial level and for the work that was done between this chamber and there — involving the Government Representative, I am sure — and they did take seriously the work that was done.

I can't say that they took seriously the nature of the concern with respect to LVVRs. We will monitor his assurances that it won't be used for disciplinary purposes in the future. We will understand how this gets implemented, and I'm sure we will be back here talking about it again.

Thank you very much.

Hon. Lynn Beyak: I wonder if I may have leave to ask a question of Senator MacDonald. I was standing but not quickly enough, I don't think.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Beyak: Thank you very much. Senator MacDonald, you and Senator Plett and Senator Mercer have obviously done a lot of research and work on this. It's my understanding that there are a couple of quick fixes that are available to the government that they could pass by the end of this session and give themselves time to go back and craft a few proper small bills to address each sector independently.

Are you aware of those quick fixes? I too want to vote against this bill.

Senator MacDonald: I would prefer if you would share with the chamber what those quick fixes are because there are many proposed options out there. If you would share them with me, I would respond to them.

Senator Beyak: I don't want to hurt our Prairie grain farmers, but I do feel we need to call the government's bluff.

The Hon. the Speaker *pro tempore*: If you have a question, that's fair. Otherwise, Senator Beyak, you might want to join the debate.

Senator Beyak: What do you think are the two best ways to fix the flaws in this bill by the end of this session so the government can craft a proper bill?

Senator MacDonald: I guess it depends on what you believe the most important flaws are that have to be fixed. I would love to see the LVVR provision removed. I think it's a huge breach of privacy and unnecessary. I'm adamant about that.

And I would like to see the Maritime provinces and the ports in the Maritimes treated like any other Canadian port in any other part of this country. The idea that we're protecting the corridor — the Montreal exchange area — is fine and I understand that, but if they can make an exception for the railways in northern Quebec, surely they can make an exception for the railroads in the Maritime provinces.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise to take part in this debate on the message from the House of Commons regarding Bill C-49.

I agree with my colleague, Senator Lankin, that the fight isn't over, and I know we will all take part in ensuring that we bring the key issues to the attention of the government as much as we can.

Honourable senators, we, as a chamber of sober second thought, have a duty to ensure that whatever legislation is passed protects, supports and benefits Canadians. That is why there have been robust debates in our chamber related to this bill and careful study of the bill at the Transport and Communications Committee.

The committee held 12 meetings on Bill C-49, heard from numerous witnesses and received more than 47 briefs from interested parties. The 18 amendments reported to the committee and adopted with support from all sides of this chamber were sent to the house. This was about making good policy in support of industries, stakeholders and Canadians directly impacted by this bill — not about petty politics.

Therefore, after the extensive work and thorough process that took place in our chamber to amend a flawed bill and send a better bill to the house, it was deeply disappointing to see the Liberal government and members reject two thirds of the amendments that were adopted by our chamber. The message from the house that requires our concurrence puts our chamber in a unique and unfortunate position. Do we pass this incomplete bill as is, due to the political pressure exerted by the other side, or do we continue to defend the interests of Canadians by insisting on certain amendments in a new message to the house? We've heard from colleagues, and we know that there is a certain urgency to elements of the bill, which I do support. So this is the dilemma that we are facing at this time.

• (1640)

I wanted to focus on a couple of amendments that I feel are very important that other colleagues have not spoken to at length or have not yet referred to. One of the amendments we adopted that was rejected by the government was to limit the amount of time that passengers can be left on the tarmac before being disembarked. Under the original legislation, a person could be left on the tarmac for up to three hours. I firmly believe that detaining passengers on an aircraft for up to three hours is not only unreasonable but also dangerously harmful. As a person who lives with Type 2 diabetes, I'm fully aware of the fact that a three-hour detention could lead to untreatable low blood sugar levels, causing serious physiological manifestations, such as paralysis and a loss of consciousness. There are passengers who live with other illnesses or medical conditions who will be put in harm's way, and I feel it is my duty to put this on record to express the concerns about leaving the bill in this form in this particular section. The 90-minute rule is an established agreement used in the Canadian aviation industry, and our amendment would have codified it within the legislation.

Another reasonable amendment adopted in this chamber but rejected by the other side would have amended Bill C-49 to allow for consumer advocates, like Air Passenger Rights, to file complaints against carriers. Now, only a passenger that is adversely affected can file a complaint against an air carrier. The ability of public interest groups to influence policy and legislation is an important part of a healthy democracy, and their ability to help to protect consumers through launching campaigns and complaints is well documented. I have yet to see a justifiable reason for the government to propose legislation that would limit the ability of third parties to help to defend the rights of Canadians.

For a government that continues to advocate for openness, transparency and accountability, I fail to understand why they believe we should pass legislation that rejects the ability of groups to help defend Canadians who may not necessarily have the means to do so themselves for various reasons.

We should not have to choose the rights of air passengers over the needs of grain farmers and an industry that is essential for our Canadian economy, but, due to the government's decision to thrust upon us, first, a flawed omnibus bill, which we did our best to fix, and now a message from the House about Bill C-49, which remains flawed, I'm wrestling with this situation at this time. It is, indeed, an unfortunate situation at hand. So I know that all honourable senators will make the decision when the time comes, as I will myself.

Hon. Howard Wetston: I would like to briefly comment on amendment 6, as it has been modified by the other place. This pertains to the independence of the Canadian Transportation Agency. This amendment includes subsection 1.11, which states:

> The Agency may, with the authorization of the Minister and subject to any terms and conditions that the Minister considers appropriate, of its own motion, conduct an investigation to determine whether a railway company is fulfilling its service obligations.

Captive shippers will not be happy with this amendment.

The intent is questionable, as is the drafting of the provision. This provision essentially deals with the monitoring of industry compliance with legislative and regulatory provisions. A compliance investigation is a core responsibility within the regulatory expertise of the CTA. It does not raise, in my opinion, significant policy issues that may require the authority of the minister to permit the agency to do its job.

A compliance investigation flows from its statutory mandate, from its public interest mandate, and is invariably associated with its regulatory expertise. I can comfortably assert this without getting mired in the details of judicial review and the appropriate deference standard considered by the courts. Indeed, one of the principal reasons for deference is the understanding by the courts of the expertise in the administrative state. The expertise flows from the institutional agency structure, which governments have relied on, both federally and provincially, to allow agencies to do their work fairly, reasonably and objectively in accordance with the powers conferred upon them.

Colleagues, while this amendment might appear, in the scheme of the legislation, to not interfere with the mission, mandate and values of the agency, the CTA has, for many years, come to play an integral role in the lives of Canadians. This agency, as well as many others, provides specialized technical solutions to complex problems created by a modern society.

For the most part, as Professor Lorne Sossin, of Osgood Hall Law School, stated, these agencies are:

> . . . routinely declared by the courts to be independent, and protected from political interference by common law procedural doctrines modeled after the constitutional principle of judicial independence.

Professor Sossin goes on to say:

> . . . there is little to compel Canadian governments to respect the independence of administrative agencies if they do not want to. They reveal the hard but important truth about independence . . . while the rule of law and principles of fairness and impartiality may require independence, only political leadership can sustain it. . . . Only political leadership can ultimately safeguard the independence of administrative bodies, so that they are free to pursue the public interest without . . . interference.

Or needless intervention.

My concern is that there appears to be, with respect to this amendment, an unnecessary erosion of the boundaries between the government and the CTA that allows for interference and potentially reduces public respect for the integrity of the agency and its decisions. I would urge restraint by the minister in exercising his discretion under this section.

(On motion of Senator Martin, for Senator Tkachuk, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO EXTEND THIS WEDNESDAY'S SITTING AND AUTHORIZE COMMITTEES TO MEET DURING SITTING OF THE SENATE ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 7, 2018, moved:

> That, notwithstanding the order adopted by the Senate on February 4, 2016, the Senate continue sitting on Wednesday, May 9, 2018, until the end of Government Business;
>
> That committees of the Senate scheduled to meet on that day be authorized to meet after 4 p.m. even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto; and
>
> That the provisions of rule 3-3(1) be suspended on that day.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

• (1650)

[*English*]

NON-NUCLEAR SANCTIONS AGAINST IRAN BILL

THIRD READING—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Carignan, P.C., for the third reading of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations.

Hon. Peter Harder (Government Representative in the Senate): Honourable colleagues, I rise today as the government's representative in the Senate to speak to Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred and human rights violations. I also speak as a former Deputy Minister for Foreign Affairs with some personal experience respecting the issues raised in this bill.

Let me begin by stating clearly that I agree with my colleagues that the Canadian government must continue to hold Iran to account on issues such as its sponsorship of terrorism and human rights violations. This includes the violations of human and democratic rights during the protests in December and January.

As the Minister of Foreign Affairs said in January of this year:

> The Iranian people have the right to freely assemble and express themselves without facing violence or imprisonment.

At that time she also called on:

> . . . the Iranian authorities to uphold and respect democratic and human rights, which are too often ignored.

The government has clearly stated the paramount importance of human rights to its foreign policy, including with respect to the rights of the Iranian people. The minister has also made clear the government's seriousness with which it views the taking of the cases of Mrs. Maryam Mombeini and her late husband, Mr. Kavous Seyed-Emami.

As the minister has stated, the government continues to demand answers from the Government of Iran on the circumstances surrounding the detention and death of Mr. Seyed-Emami.

The government has further made it clear that as long as Maryam Mombeini, who is a Canadian citizen, is not able to leave Iran, the focus of any discussions with Iran will be on getting her home to Canada. The promotion and protection of human rights around the world are vital to the government, very much including in Iran.

I agree with the desire to deter Iranian-sponsored terrorism, incitement to hatred and human rights violations. However, as this Senate private member's bill would not be an effective means to these goals, the government must respectfully oppose it, for it is the responsibility of the Government of Canada to speak for Canada's foreign policy intentions.

[*Translation*]

Allow me to explain. One of this government's priorities is to work with countries with similar perspectives. This approach allows us to defend the international system that all Canadians value and within which we can hold countries to account.

[*English*]

Bill S-219, however, would impose new unilateral sanctions against Iran. Yet we know that sanctions are most effective in changing behaviour when they are implemented in a coordinated and multilateral fashion. It is by working with other countries that we leverage change.

As such, by taking action that doesn't match the actions of our allies and partners, this bill would have a very limited impact on Iran's respect for human rights and its support for terrorism.

We saw, for example, an effective multilateral action when in December 2017 the United Nations General Assembly adopted a resolution on human rights in Iran with strong support.

Through a resolution led by Canada, the international community sends a strong message to the people of Iran and the Iranian government. It is a message of support for the people of Iran and a message of the importance of human rights to the Government of Iran. It encourages meaningful and lasting human rights reform and concrete action to address the most serious violations and abuses.

The Joint Comprehensive Plan of Action — the so-called JCPOA — on Iran's nuclear activities is another example of the importance of action through multilateral collaboration. Under the JCPOA, Iran agreed to significant constraints to roll back its nuclear program and subject it to extensive international verification.

In this sense, like-minded states coordinated multilateral sanctions, including a broad ban on financial services, imports and exports. These coordinated sanctions ultimately brought Iran to the table to negotiate the agreement. This has resulted in a dramatic reduction in its ability to produce fissile material necessary for nuclear weapons.

Following this positive development, Canada amended its UN-mandated sanctions and replaced the broad trade ban with a set of controls and prohibitions to target trade with Iran in products with security implications. Canada's sanctions changes were in line with that of like-minded countries. Of course, Canada maintained sanctions that target Iran's ballistic missile program. The government has clearly condemned Iran's continued development of its ballistic missile program and its ballistic missile launches which are destabilizing for the region.

The JCPOA, agreed to with Iran in 2015 and endorsed by the United Nations Security Council, is not perfect. It has, however, helped to curb a real threat to international peace and security. New and isolated Canadian sanctions, such as those required by this bill, would have a marginal impact in deterring terrorism or improving the human rights situation in Iran and would weaken our ability to take action with our international partners.

Let me be clear. Canada's economic relations with Iran remain carefully controlled and highly vigilant. We maintain rigorous restrictions on the export of Iran of goods, services and technologies which are considered sensitive from a security perspective. Further, we have a list of sanctioned Iranian individuals and entities of most concern in relation to the proliferation threat.

The Government of Canada will continue to hold Iran to account on issues of concern, including human rights violations, its ballistic missile program and its support for terrorism. This bill, however, would severely constrain the government's ability to advance Canada's interests.

The reporting requirements of the bill are also extensive and complex, in particular the publishing by Canada of a public annual report targeting Iran and its highest ranking officials. The proposed requirements, while laudable, are unrealistic given the current state of Iran's bilateral relationship with Canada. Even with the deployment of significant resources by multiple federal departments, absent a Canadian presence in Iran, access to credible and accurate sources would be limited.

Finally, parts of the bill also include requirements which duplicate processes and legislation that already exists. Specifically, the bill proposes amending the Immigration and Refugee Protection Act, IRPA, to add inadmissibility to Canada for individuals listed in the annual report. However, the IRPA already provides several grounds upon which an individual may be found inadmissible to Canada. In addition, the Minister of Immigration, Refugees and Citizenship may declare that a foreign national may not become a temporary resident on the basis of public policy concerns.

[*Translation*]

In closing, I share in the desire to find ways to deter the acts of terrorism and human rights violations sponsored by Iran. The Government of Canada will absolutely and resolutely hold Iran to account on these issues.

[*English*]

The government will continue to work closely with our allies and partners to hold Iran to account. However, the provisions of Bill S-219 are inconsistent with Canada's current sanctions regime and duplicate existing processes and legislation.

Ultimately, the bill would neither deter terrorism nor improve the human rights situation in Iran and would restrict Canada's ability to act multilaterally with our allies. As such, the government must respectfully oppose Bill S-219, and I urge you to do so as well.

Hon. Linda Frum: Senator Harder, will you take a question?

Senator Harder: Certainly.

Senator Frum: Senator Harder, I heard your arguments opposing the bill and I respectfully disagree.

Having spoken to this bill — and there was a period of six months that elapsed between the last person who spoke against this bill and now you — will you now allow this bill to come to a vote in this chamber?

Senator Harder: I would welcome that vote as early as right now.

Some Hon. Senators: Question!

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment of the debate.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Martin, seconded by the — oh, you have a question? I'm sorry, Senator Joyal.

Senator Harder, would you accept a question from Senator Joyal?

• (1700)

Hon. Serge Joyal: Thank you, Your Honour; I appreciate that. As a matter of fact, I was on my feet to ask a question.

I listened to you carefully, senator. Of course, I cannot but think about the announcement that the President of the United States made this afternoon at two o'clock. What kind of link would you make between the substance of this bill and the situation in which we find ourselves now that the United States has announced it is withdrawing from the agreement entered into by Iran, European countries and the United States?

Senator Harder: I thank the senator for his very timely intervention. I was contemplating whether or not to add a comment in my speech in this regard.

First of all, the Government of Canada continues to believe that this agreement is an important multilateral agreement made by the parties involved, as I've indicated in the speech, endorsed by the Security Council.

Clearly, all of the sponsoring countries, Canada included, are examining what the go-forward best approach would be. It will take some time and consultations to determine that.

I note that the Foreign Secretary of the United Kingdom yesterday suggested that plan B isn't really formed in terms of how the Americans might react going forward. The ball is clearly in their court to determine what actions, if any, they take.

So far, the governments responsible for the agreement have maintained its value going forward. The Government of Canada is certainly of the view that that agreement was the best available deterrent to nuclear proliferation, and I regret the actions that have been taken.

Senator Joyal: My question was more specific. Do you make a link between the substance of the bill that is at stake now and the fact that we are in a different situation, considering the approach that the President of France took when he visited the President of the United States, that maybe the agreement needs to be rediscussed, re-opened and improved, but not set aside?

If we adopt this bill, are we not making the situation more difficult, more complex to solve? Or do you think that the adoption of this bill would be helpful to create additional pressure on Iran to enter into negotiations with the countries that have endorsed the agreement?

Senator Harder: Senator, I believe that my comments were very clear that it would be unhelpful. The coordinated multilateral approach that I have suggested is the government's policy with regard to Iran and continues to be that policy. Clearly, the concerting of those countries who continue to maintain the view that this joint action plan is the most effective way going forward will be determining how best to move forward in the future. But it is through multilateral channels that we will best achieve Canada's interest, and those are the ones that we should give the freedom of action to, to the government responsible for Canada's foreign policy.

Senator Martin: Question.

The Hon. the Speaker *pro tempore*: Are senators ready for the question?

It was moved by the Honourable Senator Tkachuk that the bill be read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Senators: No.

The Hon. the Speaker *pro tempore*: May I hear all those in favour, the "yeas," one more time?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: And the "nays," those opposed, one more time?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: I think it's kind of even, myself. I'll give it to the "nays."

Senator Martin: The nays?

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: I see two senators standing. Are you in agreement; tomorrow at 5:30?

The vote stands deferred tomorrow until 5:30 p.m.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Bovey, seconded by the Honourable Senator Harder, P.C., for the third reading of Bill S-234, An Act to amend the Parliament of Canada Act (Parliamentary Artist Laureate), as amended.

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Pierrette Ringuette moved third reading of Bill S-237, An Act to amend the Criminal Code (criminal interest rate), as amended.

She said: Honourable senators, I move that this bill be read the third time.

Hon. Lucie Moncion: Honourable senators, today I will be speaking to Bill S-237, An Act to amend the Criminal Code (criminal interest rate).

I will start by saying that I support this bill and the proposed amendment, even though I don't think we are doing enough to find solutions to debt problems in Canada.

This bill addresses a delicate subject that encompasses criminal interest rates, easy access to short-term credit and household debt.

In recent years, there has been an increase in the number of companies like Money Mart and Fast Cash, which became lenders of last resort for people with urgent cash-flow needs. These payday loan companies offer an alternative to regulated financial institutions that refuse or are unable to accommodate a clientele with very specific needs.

[*English*]

In most major Canadian cities, we have witnessed the multiplying of these companies which can lend up to $1,500 for up to 62 days at rates ranging from 15 to 25 per cent monthly. These companies have significant interest rate flexibility with the current maximum criminal rate set at 60 per cent.

Since these loans do not exceed 62 days, the interest charged remains within the limit of the act. However, on an accrual basis, the rate can represent 300 per cent over a year when the loan is renewed every 62 days.

[*Translation*]

Payday loan companies do more than just offer payday loans. They also offer term loans of up to $15,000 over 60 months. They provide services in their branches and online, and will even send a representative to your home or workplace. It is a highly lucrative, easily accessible market that benefits a large number of private investors and a clientele with very specific needs.

The public, politicians, and the media do not think favourably of payday lenders and generally cast them in a negative light. Despite their unfavourable reputation, this industry provides a service to cash-strapped Canadians.

[*English*]

A 2016 survey conducted by the federal government of 1,500 Canadians using approved payday lender services provides the following statistics as to the reasons why people use a payday loan: 27 per cent of people said that a bank or credit union would not lend them money; 15 per cent of people said they did not have time to apply for a loan from a bank or credit union because the process was much too long; 13 per cent of people said that they did not want to borrow money from a bank or credit union; 55 per cent of people said payday loans offered them the best customer service; 90 per cent of people said payday loans were the fastest and most convenient solution; 74 per cent of people said that payday loans were the best solution available to them.

[*Translation*]

According to a 2016 report by the Conference Board of Canada based on data collected in 2014, licensed payday lenders provided nearly $4.5 million in short-term loans to Canadian households, with a total loan value of $2.2 billion. Again according to that same report, these loans were provided almost exclusively to two distinct categories of clients. The first category is described as follows:

> The first category, "ALICE" — which stands for "asset limited," "income constrained" and "employed" — is a relatively financially vulnerable customer who relies on payday loans to cover the cost of both periodic, unexpected expenses and ongoing necessities. ALICE customers' lack of an established asset base severely restricts access to alternate consumer credit through conventional financial channels.

• (1710)

According to the report, the second category is described as follows:

> Asset rich, temporarily illiquid customers [who] are more economically stable, but use payday loans as interim financing to cover unexpected expenses.

[*English*]

Many users of licensed payday lenders have no idea of the costs associated with the loans they incur. One of the recommendations of the Conference Board's report is to put in place better education in this area, primarily to protect the financial well-being of Canadians who use payday loans.

However, this report warns that politicians should be cautious before considering the possibility of making changes to the fee structure of these loans. Given the costs borne by payday lenders due to the high rate of delinquency, the capping of fees could make this activity unprofitable for approved lenders and increase the risk of borrowers turning to the market for unaccredited lenders who offer their services on the Internet.

[*Translation*]

What about Canadian financial institutions? What role do they play in this? I don't want to make a pitch for regulated Canadian financial institutions. I simply want to set the record straight because people like to criticize them for not being open to vulnerable people who are struggling with debt, whether that debt has to do with payday loans or something else.

It is important to point out that Canadian banks and credit unions play an important role in the economic stability of our country and our provinces. They are subject to rules and laws that govern how they operate. Those rules and laws are put in place by the various levels of government and deposit insurers. They cover liquidity, reserves, bad debt provisions, credit limits, debt service ratios and cost of borrowing disclosure. Licensed payday lenders don't have to follow these rules.

Every month, Canadian financial institutions provide financial information about their assets, liabilities, bad debt, reserves and liquidity, which is useful in managing Canada's treasury and creating an accurate, up-to-date picture of the risks to our country's financial stability.

Despite the fact that many of them would like to intervene and help improve Canadians' financial situation, financial institutions are caught in a regulatory stranglehold that limits their flexibility and prevents them from extending credit to high-risk customers. As result, people in need are forced to turn to payday lenders.

[*English*]

The objective pursued by Senator Ringuette is very commendable, and I congratulate her for wanting to offer solutions by proposing Bill S-237. Originally, the senator proposed that the criminal interest rate be set at 20 per cent plus the daily borrowing rate of the Bank of Canada. The proposed amended rate is set at 45 per cent. That is first step.

Chartered payday loan companies who testified indicated that if the criminal interest rate was less than 46 per cent, they would have to reconsider their procedures, since their transaction costs would be too high and it would not be profitable for them to offer these services. This issue needs to be explored further to ensure that there is a real balance between the risk that payday lenders face and the profit they generate from their operations and the higher rates assumed by Canadians who resort to payday loans.

[*Translation*]

The provincial legislation governing the payday loan industry in Canada already provides protections against consumer exploitation. There are caps on the fees that payday lenders can charge. There are also standards governing the disclosure of information, but they are flexible.

Payday lenders are required to provide borrowers with clear and understandable information. The interest rate and borrowing fees are thus clearly set out in the contract. This information covers only 62-day loans. Borrowers who request refinancing at the end of the 62-day period continue to receive the same information, since the rate is not cumulative. If it were cumulative, the cost of borrowing would exceed the criminal interest rate of 60 per cent.

During our study, we met with pawnbrokers in Quebec. Despite the fact that this type of loan seems different, it is actually quite similar to what is being done elsewhere in Canada. The regulated annual interest rate in Quebec is set at 35 per cent. However, the interest rate on pawnshop loans is 22 per cent per month, which is an annual interest rate of 264 per cent. What is more, when the borrower does not pay the interest within 10 days of the end of the loan contract, the item that was pawned, which is worth four times the amount of the loan, is put up for sale.

[*English*]

There are measures to prevent abusive situations, but it seems that they are investigated neither in Quebec nor anywhere else in Canada.

The Ontario government is seeking to further regulate this industry by imposing a waiting period between loans, the amounts that can be borrowed and the number of times a person can borrow. Payday lenders are not happy with these upcoming changes or the proposed Bill S-237.

Our provincial governments are looking for solutions to this form of debt and have approached cooperative financial institutions to see if they can help improve the situation.

[*Translation*]

Some of them, including Vancity Credit Union in Vancouver and Alterna Savings in Ottawa, have proposed programs that will help people struggling with debt or cash flow problems take charge of their finances. It is a start, but it is too little considering the extent of the problem and the current market needs.

These programs need a real boost from our elected officials and could be supported by grants enabling financial institutions to increase the frequency and range of programs that help Canadians at risk get better control over the management of their personal finances.

[*English*]

In its regulation for approved lenders, the Ontario government has introduced a component called the Payday Credit Awareness Fund. This fund is fully subsidized by approved payday lenders and is intended to educate users in this form of funding. The implementation of education programs in financial literacy, savings and credit education would be very useful and would contribute to a better understanding by individuals in the management of their assets.

[*Translation*]

Dear colleagues, I invite you to vote in favour of this amendment to Bill S-237. Although it falls short of Senator Ringuette's objective of lowering the criminal interest rate below 25 per cent, it is a first step towards improving the cost of short-term debt in Canada. There is still much work to be done.

I sincerely hope that this bill will encourage our government to take a closer look at the problems associated with household debt, the impoverishment of Canadians, and the exploitation of the most vulnerable people in our country. I also hope that solutions will be brought forward to lighten the financial burden associated with usury and to help more Canadians improve their financial situation.

Thank you.

The Hon. the Speaker: Would the senator take a question?

Senator Moncion: Yes.

Senator Ringuette: I would like to begin by thanking Senator Moncion for her excellent research and her remarks in this chamber. I am grateful to her for recognizing that we have an abusive alternative financial system that exploits a large segment of the population.

The senator mentioned provincial regulations. I would like to know if she understands that unique loans of up to $1,500 for up to 62 days must comply with provincial interest rate regulations. All other financial products that do not meet those criteria are under federal jurisdiction and are therefore covered by the Criminal Code.

Senator Moncion: Thank you for your question. You are right in saying that, for approved lenders such as payday lenders, only loans of up to $1,500 are considered payday loans. Interest rates on loans at the $15,000 mark may not exceed 60 per cent and amortization periods may be up to 60 months. Things get interesting with that 62-day period because people sign new contracts every 62 days. Calculate the cumulative interest over 12 months, and that interest rate is much higher than 22 per cent or 25 per cent. It can be as high as 300 per cent. I'm not sure I answered your question.

• (1720)

The Hon. the Speaker: Senator Moncion, another senator has a question for you. Would you answer another question?

Senator Moncion: Yes.

Hon. Ghislain Maltais: It's a step forward. This measure doesn't achieve the objectives Senator Ringuette was pursuing with her bill, not by a long shot.

However, does your bill say that the act would need to be reviewed after a certain period of time — five years, say?

Senator Moncion: Yes, there is a review provision in the amendment.

(On motion of Senator Ringuette, debate adjourned.)

SENATE MODERNIZATION

FIRST REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

> Resuming debate on the consideration of the first report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward*, deposited with the Clerk of the Senate on October 4, 2016.

Hon. Pierrette Ringuette: Honourable senators, I move the adjournment of the debate in my name.

(On motion of Senator Ringuette, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-SEVENTH REPORT OF COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the twenty-seventh report (interim) of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Parliamentary Translation Services*, tabled in the Senate on March 27, 2018.

Hon. Pierrette Ringuette, for Senator Campbell, moved:

> That the twenty-seventh report of the Standing Committee on Internal Economy, Budgets and Administration, tabled on Tuesday, March 27, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Public Services and Procurement being identified as the minister responsible for responding to the report.

Honourable senators, I want to thank the members of the Standing Committee on Internal Economy, Budgets and Administration for entrusting this mandate to our working group, which consisted of Senator Joyal, Senator Maltais, Senator Mockler, Senator Wallin and myself. Our first finding was that the other place and the Senate use two different systems for

managing and delivering translation and interpretation services. We also learned that when evaluating contractors that offer these services, the former government's only criterion was cost. It was the single most important criterion for getting contracts.

[*English*]

The working group met with the Translation Bureau's leadership team and with the International Association of Conference Interpreters to discuss the concerns raised by senators and staff, and to better understand where the system was failing the Senate.

I would like to take this opportunity to thank Stéphan Déry, the bureau's new chief executive officer, and his management team, which also includes a new person responsible for overseeing the quality of service the bureau provides.

[*Translation*]

The members of the working group feel that it is vital to ensure that the Senate is provided with high-quality translation and interpretation services. The Constitution Act, 1867, the Constitution Act, 1982, and the Official Languages Act all contain provisions allowing senators to speak in French or English and requiring simultaneous interpretation services to be available.

It's important not to lose sight of the fact that Canadians have the right to receive services of equal quality in both official languages. The working group members also believe that the Senate should do what it can to guarantee that, regardless of the language used, its publications and communications meet the highest standards in terms of translation and interpretation, so that Canadians have the same access to the context and nuances of debates.

We made the following recommendations:

[*English*]

> That the Senate administration designate a manager responsible for ensuring that the terms of the service agreement for language services between the Senate of Canada and the Translation Bureau are respected.
>
> That the committee direct the Senate administration to assist the Translation Bureau in perfecting their feedback process for senators, Senate committees and for the Senate Administration, using the Library of Parliament system as a guide.

[*Translation*]

On that note, I want to assure you that the Translation Bureau will now be sending you an email after every translation it completes, whether it's for your office, your staff, the Senate administration or committees, to request feedback on your satisfaction with the services rendered and the quality of its work. That is a rigorous way to improve the service we get.

We know that the translation services provided to certain committees, especially for their reports, were rather poor. I don't want to go into more detail.

[*English*]

The committee met with the Senate manager responsible for the service agreement yearly to monitor progress and discuss any issue that requires attention.

• (1730)

The committee also urged the Minister of Public Services and Procurement to provide the Translation Bureau with any additional resources required to ensure that capacity is there to meet the demands of the Senate.

And bear in mind that an additional communication tool will be ours when we move into the new chamber and that our debates will be televised. You have to understand the technical and physical requirements that will be necessary to provide an adequate service for the Canadian public with regard to our debate.

The committee urges the Translation Bureau to assign set translators to Senate committees to ensure continuity and the development of specialized vocabulary, and that these translators are encouraged to attend meetings when draft reports are being discussed.

[*Translation*]

From the start, we found that translation and interpretation services were managed very differently for each house. We recommended that the Translation Bureau manage both as a whole by assigning translators to both the chamber and the committees so they could become familiar with the vocabulary.

We also recommended that people responsible for translating documents from various committees be present when senators discuss the contents of those documents in camera so they can understand the context of the discussions.

[*English*]

The committee encourages the Translation Bureau to study the possibility of adding set teams of interpreters for Senate committees. The committee ensured that the physical space provided for interpreters in the new Government Conference Centre would meet the needs of the Translation Bureau and that the most modern technology will be available to facilitate their work.

[*Translation*]

Honourable colleagues, if you look way up there, you will see a closed, poorly ventilated box. Those people are expected to identify us way down here and rapidly interpret what we say in one language or the other. I am sure you will agree that these professionals put up with less-than-ideal working conditions.

I want to make sure the interpreters know that we truly admire their work.

[*English*]

We also ask that the most modern technology is made available to facilitate the work of interpreters in the Senate committee rooms.

[*Translation*]

That is especially true when we are videoconferencing with witnesses. Technology has improved a lot since the system was installed, but nothing has been done to make the job any easier for interpreters working in committee rooms.

[*English*]

The committee urged the Translation Bureau to assist in interpretation work according to experience and relevant knowledge, and not according to the lowest rate.

We were assured by Mr. Déry that these new criteria to assign the work, translation and interpretation for the Senate will be put in place when the new set of procurement parameters is provided for these services.

Now, you may ask why a task force report is being tabled in the Senate. Well, because our last recommendation was that we wanted a government response. It is very important for this institution to get the level of service and it's very important for the government to understand that the procurement process of the prior government does not live up to the expectations of us as senators, nor does it live up to the expectations of the Canadian public.

[*Translation*]

One recommendation that does not appear in the report, but I wanted to emphasize, is that we senators, in this chamber and at committee, also need to do our part to improve the interpretation service. We need to speak more slowly. Some senators often speak unbelievably fast.

Also, when your document is ready, please send it to the Translation Bureau in the morning so that staff can begin working on its translation. This will make the translators' job much easier.

Furthermore, I would ask all committee chairs and clerks to prohibit the distribution of a document that is not produced in both official languages. We too often bend the rules using the excuse that the witnesses arrived late. This directive must be clear and strictly followed, even if it means moving a motion at the time of the committee selection process to the effect that no documents, whether a brief or a report, will be issued to committee members unless it is available in both official languages.

Honourable colleagues, I recommend that we adopt this report immediately and that we ensure that the translation and interpretation services provided to the Senate and our offices are on the same level as those enjoyed by our colleagues in the other place. Thank you.

Some Hon. Senators: Hear, hear!

Hon. René Cormier: May I ask a question, Senator Ringuette?

Senator Ringuette: Of course.

Senator Cormier: I read the report produced by the working group and I noticed that the evaluation was based on 55 sample texts, namely, 32 translated from English to French and 18 translated from French to English. There were also 40 samples of interpretation, 20 from English to French and 20 from French to English.

In the report results under the headings "very good", "good", "average", and "poor," we do not see rates of satisfaction in both directions. Since I paid very close attention to what you just said about the importance of speaking more slowly, I will be sure not to speak too quickly as I ask my question.

Senator Ringuette: Thank you for reading the report that was tabled. Obviously, the samples did not allow us to detect a significant difference between the two languages. I must also point out that when we started our work, we handed out a survey three times to all senators and clerks to get their comments or examples of dissatisfaction. Personally, I must say that I was disappointed in the number of responses we got to the survey. I had heard many complaints on this matter and I thought that it was more important to senators. Unfortunately, that was not so, given the responses we received. However, when we questioned Mr. Déry, it was obvious that there was a marked difference in the quality of service management provided to one chamber versus the other and to the committees in the other place relative to our committees. Therefore, there is catching up to do. That is all. Thank you.

• (1740)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*English*]

THE SENATE

MOTION TO ENCOURAGE THE GOVERNMENT TO MAKE PROVISION IN THE BUDGET FOR THE CREATION OF THE CANADIAN INFRASTRUCTURE OVERSIGHT AND BEST PRACTICES COUNCIL—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Enverga:
>
> That the Senate — in order to ensure transparency in the awarding of public funds and foster efficiency in infrastructure projects in the larger context of economic diversification and movement toward a greener economy, all

while avoiding undue intervention in the federal-provincial division of powers — encourage the government to make provision in the budget for the creation of the Canadian Infrastructure Oversight and Best Practices Council, made up of experts in infrastructure projects from the provinces and territories, whose principal roles would be to:

1. collect information on federally funded infrastructure projects;

2. study the costs and benefits of federally funded infrastructure projects;

3. identify procurement best practices and of risk sharing;

4. promote these best practices among governments; and

5. promote project managers skills development; and

That a message be sent to the House of Commons to acquaint that House with the above.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, Senator Smith is not here, but I would like to take the adjournment in his name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Smith, debate adjourned.)

[*Translation*]

MOTION TO AMEND RULE 12-7 OF THE RULES OF THE SENATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator McCoy:

That the *Rules of the Senate* be amended by:

1. replacing the period at the end of rule 12-7(16) by the following:

"; and

Human Resources

12-7. (17) the Standing Senate Committee on Human Resources, to which may be referred matters relating to human resources generally."; and

2. updating all cross references in the Rules accordingly.

Hon. Raymonde Gagné: Honourable senators, I move that the debate be adjourned in the name of Senator Omidvar until the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Gagné, for Senator Omidvar, debate adjourned.)

[*English*]

INCREASING OVER-REPRESENTATION OF INDIGENOUS WOMEN IN CANADIAN PRISONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Pate, calling the attention of the Senate to the circumstances of some of the most marginalized, victimized, criminalized and institutionalized in Canada, particularly the increasing over-representation of Indigenous women in Canadian prisons.

Hon. Murray Sinclair: Honourable senators, I want to speak to this inquiry before it disappears so that I have an opportunity to make a contribution to the debate.

I begin by mentioning that today, as I stand before you to speak to the issue of the overrepresentation of Indigenous women in Canada's prison systems, the most recent statistics for the province of Manitoba, from which I come, show that about 68 per cent of the men who are incarcerated in Manitoba, in the provincial jail system, are Indigenous; about 75 per cent of the youth who are incarcerated in Manitoba are Indigenous; and over 90 per cent of the women who are incarcerated in Manitoba are Indigenous.

I want to begin my remarks by acknowledging and thanking Senator Pate for her perseverance and determination in advocating for the rights of those who are within the prison system, particularly Indigenous women. As one of Canada's leading voices for the incarcerated, Senator Pate chose to use her first speech to bring this matter to our attention when she first spoke in the house.

I want to indicate that the increasing overrepresentation of Indigenous women in our prisons is an issue that has continued to a critical state, in my view. The assimilation, segregation and institutionalization of Indigenous families is not a new story, but rather it is an ongoing account of how Canada's historical and current laws and policies, developed over the last century and a half, have impacted a nation so greatly that terms have been created to describe some of the laws and policies and impacts.

This is one of the few countries that has special terms, such as "residential school survivor," to describe the impact of the Indian residential school era where children were removed forcibly from

their families and communities, and sent away to institutions referred to as schools. The Sixties Scoop describes the fostering and adopting out of Indigenous children to non-Indigenous families, and now we have a new term called the Millennial Scoop to describe the current child welfare system.

I want you to keep in mind that in Manitoba today, Indigenous children comprise about 70 per cent of all the children in care, though they represent about 12 per cent of the total number of children in the province. In Manitoba, it has been shown through the latest statistics provided by the province that one newborn Indigenous child per day, on average, is apprehended by the child welfare system and taken into care. The impact not only upon the child, but upon the mothers of those children, is something that we need to take into account.

The reality for Indigenous women in Canada today is a moving factual story about the extent of human suffering that can be traced to those policies and laws that I have talked about, including racism, both systemic and individual. Numerous inquiries, studies and reports conclude that the aftermath of those laws and policies has led to the current situation.

For example, this issue was raised in the 1991 Aboriginal Justice Inquiry report of Manitoba, which I co-chaired, and in numerous yearly reports from the correctional investigator of Manitoba. It has also been discussed within reports from provincial governments, in reports from the Auditor General of Canada, and in the final report of the Truth and Reconciliation Commission of Canada. Currently, in the other place, in fact, the Standing Committee on the Status of Women is planning to conduct a major study on this matter.

Solutions and recommendations to address the overrepresentation of Indigenous women in prison are readily available to us. The evidence is compelling that the justice system is failing Indigenous women, who are now the fastest growing prison population in Canada.

Here are what some of the experts and reports have had to say. In 2017, Ivan Zinger, the Correctional Investigator of Canada, released his annual report and stated:

> To my mind, the year-on-year increase in the over-representation of Indigenous people in Canadian jails and prisons is among this country's most pressing social justice and human rights issues.

Former Correctional Investigator Howard Sapers recently testified as a witness before the Standing Senate Committee on Aboriginal Peoples and began his testimony by stating:

> Almost everything I am about to say tonight is even worse when it comes to talking about women who are court-involved, in conflict with the law and who end up in custody provincially or federally. In the federal system, since April 2012, the female indigenous inmate population has increased by nearly one third — about 32 per cent.

Indigenous people make up less than 5 per cent of the Canadian population overall, and in prison, Indigenous women account for 37 per cent of the federal inmate population.

Mr. Sapers concluded his statement by saying that the overrepresentation of Indigenous persons in our criminal justice system is deeply rooted in the historical and systemic discrimination that is the racist legacy of colonization.

Professor James Daschuk, an expert in Indigenous health, shared with the Senate Aboriginal Peoples Committee that the efficacy of public policy can be judged ultimately on the effect it has on people's health in the population of those affected. If a policy is successful, it will improve people's lives; if not, then the opposite is true. He said the social determinants of crime are essentially the same as the social determinants of health. The things that make us sick are the things that probably drive people into conflict with the law, and ultimately into prisons.

• (1750)

The Government of Ontario recently released a report called *The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples*. In that document, the Government of Ontario said:

> Clear links have been established between the overrepresentation of Indigenous people involved in the justice system and Indigenous communities' experience with residential schools. Indigenous offenders feel a deep alienation behind the bars of correctional institutions just as they (or their parents or grandparents) felt inside the walls of residential schools. These institutions are places where racism is common.

The Truth and Reconciliation Commission of Canada travelled across the country, as you know, listening to the stories of residential school survivors and gathering archival records. Survivors often detailed how they ended up in the criminal justice system later in life as a result of the trauma and abuse they faced in the schools.

The TRC's final report included 94 calls to action, and three of them dealt with the justice system in ways that were intended to help address the overrepresentation of Indigenous women in prisons.

Call to action number 30, for example, calls on the government to commit to eliminating the overrepresentation of Aboriginal people in custody and in so doing implement a process that closely monitors and evaluates progress.

Call to action number 31 calls on the government to provide sufficient and stable funding to implement and evaluate community sanctions that provide realistic alternatives to imprisonment for Aboriginal offenders as well as provide proper and accessible programs that respond to the underlying causes of offending.

Finally, call to action number 32 calls on the federal government to amend the Criminal Code to allow trial judges, with reasons, to depart from mandatory minimum sentencing and to remove restrictions on the use of conditional sentencing.

Honourable colleagues, the overrepresentation of Indigenous women in jails is yet another stain in the treatment of Indigenous peoples in this nation that will have to be addressed or upon which this nation will be judged. According to research, studies, and the experts, the ongoing policies and legislation that continue to imprison Indigenous men and women and to separate families today are a legacy of the past where law and policy were meant to rid Canada of its Indian problem.

This is indeed a problem with great costs if we do not act to address it. Last month, the Parliamentary Budget Officer estimated that the annual cost of incarcerating a woman in a medium-security unit in a federal penitentiary was $172,717 per year. To incarcerate a woman in segregation in maximum security, which is also referred to as a structured living arrangement, costs between $486,558 to $533,765 per year.

In our research for the Aboriginal Justice Inquiry, we pointed out that we spend one tenth of the amount we spend on incarcerating people on social support programs for Indigenous people. In contrast, the cost of having a woman serve her sentence in the community is $18,000 per year.

This cost will continue to escalate if we do not act to address it. More importantly, this is a cost that will be paid by Indigenous children, families and communities.

This is not something new to us. The Mental Health Commission of Canada was created because of a recommendation from a Senate report entitled *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*.

Studies have shown that mental health issues are a significant issue for Indigenous inmates and that community-based mental health programs are still not addressing the problem adequately in the community.

We know that current legislation allows Correctional Service Canada to provide mental health care and community-based options for the incarcerated, but despite this, CSC has made policy decisions to continue their investment in incarceration.

As parliamentarians, we can create and facilitate legislation to reduce the use of incarceration and work to ensure that mental health healing programs become available to those that desperately need them. It is simply the right thing to do. This is a failing legal system, not a justice system. Change is achievable if we all work together. Your support will change those lives. Thank you.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, I must inform you that according to rule 6-12, should Senator Pate speak now her speech will have the effect of closing debate on this inquiry.

Senator Andreychuk, do you want to take the adjournment?

Hon. A. Raynell Andreychuk: If there is some compelling reason to end the debate today, I would certainly yield to that. Otherwise, I would like to take adjournment.

Some Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Andreychuk, debate adjourned.)

CRISIS IN CHURCHILL, MANITOBA

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Bovey, calling the attention of the Senate to the crisis in Churchill, Manitoba.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): I would like to adjourn the debate on this item.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Mercer, debate adjourned.)

[*Translation*]

CHALLENGES OF LITERACY AND ESSENTIAL SKILLS FOR THE TWENTY-FIRST CENTURY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Bellemare, calling the attention of the Senate to the challenges of literacy and essential skills for the 21st century in Canada, the provinces and the territories.

Hon. Raymonde Gagné: Honourable senators, I thank the honourable Senator Bellemare for initiating this inquiry and for inviting us all to reflect on literacy and essential skills development in the 21st century.

Senator Bellemare posed three questions in her speech. First, she asked what conclusions we can draw from statistics about Canadians' literacy and essential skills. Her speech on this topic was clear and comprehensive. She suggests that Canada is far from remarkable on this issue, and we even lag behind many countries. She also demonstrated that there are inequalities within Canada, from one province to the other.

Today I want to elaborate on this topic, not to talk about the statistics about Canadians' literacy and essential skills, but to talk about the services offered in Canada. We must look closely at the state of affairs in Canada, especially since the existence of inequalities from one province to the other indicates that the services and resources available are also unbalanced.

At this stage, I will limit my speech to the challenges faced by official language minority communities and newcomers within these communities. I am looking at literacy from this perspective so that I can represent the challenges facing the communities I know well and also to show that literacy is more than just an economic issue. Literacy is multi-faceted and has a major impact on people and communities. Some obstacles and realities are unique to these communities, while others are experienced elsewhere.

For the most part, the data I am presenting are taken from a recent report published on March 26 entitled *Développement de l'alphabétisme et des compétences essentielles dans les communautés de langue officielle en situation minoritaire : Une analyse des besoins*.

This report, written by Marc L. Johnson under the supervision of Linda Cardinal, is part of study by the Chaire de recherche sur la francophonie et les politiques publiques at the University of Ottawa. The study asked the following questions: (a) What is the gap between the availability of literacy and essential skills development in the majority language and that in the minority language? (b) How does the literacy and essential skills development problem affect the adult population of official language minority communities? (c) What is the nature of the demand for essential skills development in official language minority communities? (d) What are the specific needs for training and employability? (e) What are the overall literacy and essential skills development needs in official language minority communities in the provinces and territories?

• (1800)

The Hon. the Speaker pro tempore: Honourable senators, it being six o'clock, I am obliged by rule 3-3 to leave the chair until eight o'clock unless honourable senators agree not to see the clock.

Is it your pleasure, honourable senators, not to see the clock?

Some Hon. Senators: Agreed.

Senator Gagné: The researchers used a number of data sources to beef up their research, and they also took a close look at the opinions and perceptions of stakeholders, including literacy and essential skills development service providers, adult learners, community leaders and employers.

This extensive research produced interesting results. It was especially important for communities because it coincided with what appeared to be the imminent closure of the Réseau pour le développement de l'alphabétisme et des compétences, or RESDAC, for want of core funding. I should note that RESDAC was saved at the 11th hour.

What can we learn from this study? Here are the main findings that kept coming up for all provinces and territories.

First, communities' needs relate not only to work, but also to personal life, family life and community life. Second, literacy rates in francophone communities overall are lower than in the general population. There is a need to improve not only skills and techniques related to employability, but also basic skills. Third, communities see essential skills development as an important aspect of their needs. Essential skills are defined as, and I quote:

> . . . the foundation for learning all other skills, [enabling] people to better prepare for, get and keep a job, and adapt and succeed at work.

However, for communities, they are useful in other settings besides the workplace.

Fourth, language training is in high demand across the country, for a variety of reasons: francophones or spouses in exogamous families want to polish up their French skills so they can help their children with their school work or pass on the language to them; francophone immigrants want to improve their French and learn English; native anglophones or anglophone immigrants want to become bilingual.

Lastly, there are significant needs for the development of technical skills, which can be used directly at work. In most francophone communities, however, these skills will not be developed in French, and workplace training is not suitable for the minority context.

What barriers and challenges do people face today? Some barriers are personal. Low literacy among francophones who were often unable to receive French schooling in childhood becomes a self-perpetuating problem, because many adults' lack of confidence in their own skills discourages them from taking training. A bad experience at school also discourages adults from returning to any type of training, even years later. Many also worry they will be stigmatized by those around them. In addition, low literacy is often linked to other life circumstances associated with mental health, such as psychological trauma, learning disabilities, anxiety, low self-esteem, and so on.

Other barriers are environmental. A lack of means is a recurring barrier. Financial aid is sometimes available, but it's no substitute for wages and doesn't cover incidental expenses like travel and child care. This barrier especially affects adult refugees and single mothers. A precarious socio-economic situation and lack of real job opportunities in people's local areas

are also barriers to literacy and training, since it can be hard to see the usefulness of literacy in those situations. Even in areas where skills development services do exist, the target clientele is often unaware of them.

That was an overview of the important research that was done recently.

Let's now move on to Senator Bellemare's second question: Should we be concerned about this?

Our colleague, the Honourable Senator Bellemare, very eloquently presented the economic benefits of literacy. It has been proven that higher rates of literacy usually translate into higher incomes and a lower risk of unemployment.

Literacy, however, is also, and perhaps even more so, a human issue and a community issue. Problems associated with low literacy hinder Canadians' full participation in all aspects of our civic, economic, social and cultural life and, as a result, diminish their ability to contribute to the development of their respective communities.

Marc Johnson's research is very useful in this area. In British Columbia, for example, where there is a considerable gap between what is offered in English and in French, stakeholders explained that, although job-related needs are important, this sector does not cover all the needs of francophones. They emphasized that adults with lower levels of literacy do not have the same opportunities as other individuals to contribute to the development of their community.

In short, the lack of sufficient and appropriate literacy resources in official language minority communities is preventing the federal government from fulfilling its responsibility in terms of the substantive equality of both official languages in many provinces.

In Alberta, several generations of the Franco-Albertan community were not educated in French, which creates specific challenges when it comes to literacy.

In my province, Manitoba, considering that French was banned from schools until the end of the 1960s, literacy in French was virtually non-existent for a large part of the francophone population, and a deep linguistic insecurity took root within the communities.

Today, there is a rather diverse range of training services focused on employability and training francophone adults, even though there is better selection in English than in French.

The same findings emerged. Among those taking training to improve their written and oral French skills, certain motivations came up more frequently, such as wanting to maintain their French skills or relearn their mother tongue, take part in the community, and enhance the value of French within the family context.

According to Marc Johnson, the weak link in the continuum of education in French seems to be literacy, which remains underfunded compared to the rest.

This finding points to a direct opposition between the reality on the ground and the restorative nature of the constitutional and quasi-constitutional linguistic rights of Canadians. Literacy, aside from economic issues, affects the very fabric of our personal identities and even our national identity.

That brings us to Senator Bellemare's third and final question: can we do better than we have already?

In an article by Suzanne Smythe from Simon Fraser University, the following quote by Ireland's National Adult Literacy Association touched a nerve:

[*English*]

> Despite the country's well-deserved reputation for research excellence in the field of adult literacy, Canada lacks anything that could be considered a cohesive, coherent or systematic policy approach to adult literacy.

[*Translation*]

In its conclusion, the article states the following:

[*English*]

> Literacy policy is never just about literacy; its meanings and practices are formed and re-formed in a network of ever-shifting factors, texts and practices.

[*Translation*]

It's clear that we need national-level coordination if we want to make literacy a priority in Canada. Research on Canada's situation on the ground and the various issues is quite advanced. What is missing is a coherent and ambitious public policy.

• (1810)

This public policy must be coherent because, at present, investments in literacy depend on the good will of each province or territory. There is little federal investment despite the importance of this issue for the country. The policy must also be ambitious because at this time we are focusing on one of the more restrictive approaches.

[*English*]

Canada has gone from a policy of workforce training to one of workplace training, meaning that we only give value to literacy programs if they can lead to a job, any job, regardless of its quality. We therefore prioritize employment and job creation above all else — and also above the citizen's development and civic inclusion.

In her article — again this is Suzanne Smythe — *Ten Years of Adult Literacy Policy and Practice in Canada*, the "new precariat," she illustrates this issue well. She explains that scientific research, such as the Adult Literacy and Lifeskills Survey — and it's called the ALL Survey — an international comparative study designed to provide participating countries with information about the skills of their adult population, referred to three different levels of literacy, with Level 3 being associated with employability.

The goal of this study, however, was to inform policy about the role of access to education in employment and not to prioritize one class over the other. What public policy has done, rather, is to take a turn to place much greater focus on categorizing individuals, such as Levels 1, 2 or 3.

So what has public policy focused on? Identifying the almost Level 3s to bring them to the level of employability. We have focused on identifying individuals who may be most worthy of investment, rather than thinking of literacy and education as a continuum on which each individual is important.

Of course, investing in the almost Level 3s, or the marginally illiterate, provides faster results. But it leaves large portions of the population, those with greater needs, with little or no access to resources. What has happened in our public policy is, in a way, a perversion of the research that has been conducted.

Therefore, little, if any, thought is given to the other objectives of literacy, such as participation in the community. I spoke of these objectives in the context of official-language minority communities. Many of you, honourable colleagues, can think of the essential role of literacy in empowering other communities and vulnerable Canadians and residents in a context that goes far beyond employment.

[*Translation*]

What we need, honourable colleagues, is a national public policy that makes the success of the learner the focus of any endeavour. In this model, all partners must be involved: the learners, communities, agencies or organizations, schools and post-secondary institutions, unions, employers, professional associations, trainers and educators, researchers, municipalities, provinces, territories and, naturally, the federal government.

Australia's national strategy, which Senator Bellemare described for us, deserves special attention given its structure — a federation where the states have the primary role in education and training.

In its report entitled *A Plea for a Comprehensive and Consistent Approach to Adult Education for Minority Francophones in Canada*, RESDAC states:

> In the context of the United Nations 2030 Sustainable Development Goals, which seek to end poverty, protect the planet, and ensure prosperity for all, Canada's responsibility as a signatory requires us to report on progress based on economic, social and citizen criteria.

Honourable colleagues, I support Senator Bellemare's conclusions. Canada can and must do better. Above all else — and I want to reiterate this — we must put the same emphasis on social and citizen criteria as we do on economic ones.

Thank you.

Hon Senators: Hear, hear!

The Hon. the Speaker pro tempore: Senator Gagné, would you take a question?

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): First of all, thank you for your speech. It was clearly expressed and well documented. I found the focus on official language minority communities particularly interesting.

I read a recent report on literacy, and young Canadians around the age of 15 have serious literacy problems. About 11 per cent of Canadians do not reach level two.

In your analyses, did you notice whether young people in official language minority communities are worse off than anglophones, for example, when it comes to developing skills?

Senator Gagné: Thank you for your question. I was flabbergasted every time I saw the results regarding the skills of children in schools in Canadian francophone communities, especially in Manitoba. As a former university chancellor, I wondered how teachers could receive better training in school to improve their language and literacy skills.

The big challenge is to combat linguistic insecurity, which happens when young people revert to English, even though they are in a francophone environment, given the challenges associated with being immersed in a sea of anglophones.

Obviously, if we want to build this capacity, this linguistic security, we need many more resources to —

The Hon. the Speaker pro tempore: I'm sorry but your time is up. Do you want to finish your thought?

Senator Gagné: Yes, please, if I may.

It is a question of building this francophone identity. There is a serious lack of resources, which is a real challenge for the Canadian francophonie. I am speaking on behalf of my province in particular.

(On motion of Senator Cormier, debate adjourned.)

[*English*]

CANADA'S FOUNDING FATHERS

LORD DURHAM—INQUIRY—
DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of March 28, 2018:

> That she will call the attention of the Senate to the great nation-building authors of Canada and their constituting statute, the *British North America Act, 1867*, and to this Act's single conceptual and comprehensive framework expressed in its section 91, in the words "It shall be lawful for the Queen to make Laws for the Peace, Order and good Government of Canada;" and to Lord Durham, the British Whig diplomat-politician, who was commissioned to British North America to examine and report on the political problems of the still British North American Provinces, and to his famous 1839 Report, The Report on the Affairs of British North America from the Earl of Durham, Her Majesty's High Commissioner and Governor General of British North America 1839, which ground-breaking Report boldly recommended responsible government for Upper Canada, Lower Canada, and the Maritime Provinces.

She said: Honourable senators, I speak to my Inquiry No. 42 about the great and devoted human beings who built our country Canada and its great constitution, the British North America Act, 1867. I shall speak about John George Lambton, called Lord Durham, the British Whig diplomat-politician, commissioned to examine and report on the rebellions and political problems in the Canadas of the British North American Provinces. I shall speak also to the reunification of Upper and Lower Canada as the United Province of Canada by the 1840 Union Act, with the long title An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.

Colleagues, I shall speak about Whig Prime Minister Lord Grenville's 1807 bill to abolish and outlaw the African slave trade. Drafted by the famous British lawyer-abolitionist James Stephen, this British statute ended the slave trade and its miseries, which included the trans-Atlantic trade and commerce in human persons, the purchase and sale of human persons, and its abominable blasphemy that was the commerce, property, and estate in human life. The barbaric and inhuman journey called the Middle Passage was the voyage from Africa to the Americas and the West Indies. African slavery traversed half the world and three continents, Africa, Europe and America. It was notorious for the barbarous and savage suffering of the African peoples, chained and packed by the slavers like cargo on their slave ships, for their long journey in the famous Middle Passage, wherein several million Africans perished over the centuries of this evil trade. That so many of these Africans survived the Middle Passage and slavery is by itself the true miracle. It is also a tribute to the abiding human characteristic we call the human will to live, that instinct for life which abides in the souls of human persons, forging their unstinting desire and capacity for that powerful and most dominant human characteristic, which is the instinct, will and drive for survival. I shall read Whig Prime Minister Lord Grenville's famous speech on February 5, 1807 in the House of Lords on his celebrated bill, the Abolition of the Slave Trade Act, 1807. *Cobbett's Parliamentary Debates* Volume VIII report Lord Grenville, at columns 657-664, saying:

• (1820)

> In stating to your Lordships, in detail, some of the arguments on which this important measure rests, I hope I shall be excused by your Lordships if I should feel myself obliged, in some instances, to tread over the same ground which has become so familiar to you in the course of a discussion which has lasted for 20 years. . . . I will, however, my Lords proceed to the discussion without further introduction, and in the first place, to state that argument which is the principal foundation of this measure, namely justice. This measure rests upon justice, and calls imperatively upon your Lordships for your approbation and support. Had it been my lords, merely a question of humanity, I am ready to admit that it might then have become a consideration with your Lordships as to how far you would extend or circumscribe humanity. Had it been simply a question involving the interests or welfare of the British Empire in the West Indies, it would then certainly have been a question with your Lordships, how far and in what respect you should legislate. But in this instance I contend, that justice imperiously calls upon your lordships to abolish the Slave Trade. I have heard some opinions urged to the effect as if justice could contain opposite and contrary tenets. Justice, my lords, is one, uniform and immutable. . . . Justice is still the same, and you are called upon by this measure not only to do justice to the oppressed and injured natives of Africa, but also to your own planters; to interpose between the planters of your own islands and their otherwise certain ruin and destruction. . . . But, my lords, when it is considered that this trade is the most criminal that any country can be engaged in; when it is considered how much guilt has been incurred in carrying it on, in tearing the unhappy Africans by thousands and tens of thousands from their families, their friends, their connections, and their social ties and dooming them to a life of slavery and misery, and after incurring all this guilt that the continuance of the criminal traffic must end in the ruin of the planters in your islands, who vainly expect profits from it; surely there can be no doubt that this detestable trades ought at once to be abolished. . . . Let us, my lords abolish this criminal traffic, and we may look forward to the period when the slaves become in a great degree natives of the islands, will feel the benefits of the protection extended to them, and the good treatment they experience, and will evince a corresponding attachment to the country from which they receive those benefits. . . . My lords, the measure now proposed for the abolition of the slave trade is one to which I cannot think that anyone who dispassionately considers the subject, can give a negative. What right do derive from any human institution, or any divine ordinance, to tear the natives of Africa, to deprive them by force of the means of labouring for their own advantage, and to compel them to labour for our profit? If then to do so is gross injustice and oppression, as I contend, it evidently and undoubtedly is, can there be a question that the character of the country ought to cleared from the stain impressed by the guilt of such a traffic, of a traffic by the effect of which we keep Africa in a state of

> barbarity and desolation? . . . Twice has this measure failed in this house, and if this iniquitous traffic is not now abolished, the guilt will rest with your lordships. We have to lament the loss, in the other house of parliament of some of the ablest and most distinguished advocates for the abolition; we have also to lament in this house, the loss of some of its able and strenuous supporters. Still, however, if your lordships should agree to the abolition of this inhuman trade in blood, as I trust you will feel it due to your own character and to the character of the country to do, it will meet in the other house of parliament with the strenuous support of a person to whom the country is deeply indebted for having originally proposed the measure, and for having followed that proposition by every exertion from which a chance could be derived of success.
>
> I cannot conceive any consciousness more truly gratifying than must be enjoyed by that person, on finding a measure to which he has devoted the labour of his life, carried into effect —a measure so truly benevolent, so admirably conducive to the virtuous prosperity of his country, and the welfare of mankind — a measure which will diffuse happiness amongst millions, now in existence, and for which his memory will be blessed by millions yet unborn. My lords, I have to apologize for having troubled your lordships so long; but upon a measure of such importance — a measure, for the completion of which I have been labouring for the last 20 years — the ardent zeal which I felt for the attainment of such an object, will I trust, plead my excuse.

Honourable senators, this is Lord Grenville, after whom Grenville County was named. And what I've been trying to show in these speeches is that all of these great British Englishmen who were so involved in the building and creating of Canada were strong abolitionists. Very few people know this but it is a fact of history.

Honourable senators, Lord Grenville's bill, the Abolition of the Slave Trade Act, 1807 came into force on January 1, 1808. Soon thereafter, in the 1830s, in Upper and Lower Canada, the great movement for political reform, that had been making itself known, was well under way. Led by the Canadian Reformers, this movement fairly and justly demanded responsible government. The Reformers' demands were well resisted by the power holding executive, who were disinclined to cooperate with the growing Reform movement.

Colleagues, our next enterprising British constitutional statute was the Act of Union, 1840, that reunited Upper and Lower Canada as the United Province of Canada, being Canada West and Canada East, later Ontario and Quebec. This 1840 act was Britain's response to Canada's 1837 political and rebellious turmoil, concerning the ruling class and the official party, the Family Compact, and their rigid resistance to the popular Reformers' stalwart opposition to Family Compact politics. Further, the population's demand for change, and the legislative assemblies' quest for the constitutional powers, known as the control of the public purse and the financial initiatives of the Crown, were pressing hard. These together, with the 1837 rebellion, rendered constitutional and political change, necessary and inevitable. This turmoil led to the British Liberal Whig diplomat Lord Durham's 1837 mission to the Canadas, and his study of the two Canadas' political problems. His famous report boldly and courageously recommended responsible government for the two Canadas, to be called Canada East and Canada West.

Honourable senators, Lord Durham's report was titled *The Report on the Affairs of British North America from the Earl of Durham, Her Majesty's High Commissioner and Governor General of British North America, 1839*. Durham presented his Report to the British Parliament's two houses on February 11, 1839. His famous report was printed in the Canadas by Montreal's *Morning Courier*, on St. François Xavier Street. Lord Durham's Report said, at its page 58, that:

> It was upon this question of the responsibility of the Executive Council that the great struggle has for a long time been carried on between the official party and the reformers; for the official party, like all parties long in power, was naturally unwilling to submit itself to any such responsibility as would abridge its tenure, or cramp its exercise of authority. Reluctant to acknowledge any responsibility to the people of the Colony, this party appears to have paid a somewhat refractory and nominal submission to the Imperial Government, relying in fact on securing a virtual independence by this nominal submission to the distant authority of the Colonial Department, or to the powers of a Governor over whose policy they were certain, by their facilities of access, to obtain a paramount influence. The views of the great body of the Reformers appear to have been limited, according to their favourite expression, to making the Colonial Constitution "*an exact transcript*" of that of Great Britain;" and they only desired that the Crown should, in Upper Canada, as at home, entrust the administration of affairs to men possessing the confidence of the Assembly.

This is responsible government 1840.

> . . . It cannot be doubted, however, that there were many of the party who wished to assimilate the institutions of the province rather to those of the United States, than to those of the mother country. . . . .

• (1830)

Honourable senators, the result of the Upper and Lower Canadian labours, the political unrest, and Lord Durham's great work and instructive report, was that the provinces, Canada East and Canada West, were granted responsible government by the Union Act, 1840, and were reunited as the United Province of Canada. This act's section III said:

> And be it enacted that from and after the Re-union of the said Two Provinces there shall be within the Province of Canada, One Legislative Council and One Assembly to be severally constituted and composed in the manner hereinafter prescribed, which shall be called "The Legislative Council and Assembly of Canada;" and that within the Province of Canada, Her Majesty shall have Power, by and with the Advice and Consent of the said Legislative Council and Assembly, to make Laws for the Peace, Welfare and Good Government of the Province of Canada, . . .

Colleagues, these words have been repeated in every Constitution of Canada. Very few Canadians know this fact. The reason why I have put in hundreds of hours trying to record Canada's history here on the floor is so that people, young and old, when they are surfing on the Internet and looking for stuff or doing research — they tell me they look up my name a lot here — that they will find this material to be valuable many years after I am gone from this place.

Colleagues, in 1840, again, we see that the abiding purpose of the Canadas' governance was the peace, welfare and good government of the Canadas.

Canada's governance is for peace, order and good governance. Colleagues, we are not like the Americans. We are not on the pursuit of happiness and other such things.

Honourable senators, twenty-four years after 1840, in 1864, the fine statesmen of our Eastern and Maritime provinces, being the Lower Provinces, had been exploring possibilities for a union of their Eastern provinces. For this, they had planned a meeting for September 1864 in the Prince Edward Island capital, Charlottetown. Simultaneously, Canada West and Canada East had also identified their need for union. That year, from September 1 to 7, the Lower Provinces met at Charlottetown, in their Charlottetown Conference. This historic meeting of eastern and maritime delegates was attended by some delegates from the Canadas. This Charlottetown meeting adjourned early, planning to meet again in Quebec City on October 10, 1864, in a larger meeting of delegates from Canada West, Canada East, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland. These future citizens and leaders of the future Dominion of Canada, met from October 10 to 25, 1864, at Parliament House in Quebec City. Their Quebec Conference was a historical and providential assembly of statesmen, who, in their strenuous labours, reached successful agreement. These agreements, as adopted, were recorded as their 72 Quebec Resolutions. These resolutions, as amended and corrected in the next two years, became the text of the British North America Act, 1867, to which Queen Victoria gave Royal Assent on March 29, 1867, and that came into force on July 1, 1867. The names of the newly summoned Canadian senators were included and printed in the Queen's Proclamation of the 1867 British North America Act.

Colleagues, I must add that very few people know that as well.

Honourable senators, for generations Canadians will continue to be indebted to John A. Macdonald's faithful friend and biographer, Joseph Pope, for his 1895 book, *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act*. Therein Joseph Pope recorded copious notes on these successful events by which the Confederation of Canada was agreed to and achieved. We are also indebted to Hewitt Bernard, the brother of John A. Macdonald's wife, Agnes Bernard, who acted as the Secretary to the Quebec Conference. They took records manually, by hand — a very devoted thing.

The Hon. the Speaker: Senator Cools, your time has expired.

Do you wish to ask for five more minutes?

Senator Cools: I don't even need five.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Cools: As the Secretary to the Quebec Conference, he, Joseph Pope and others manually recorded copious notes on the debates, resolutions and motions voted on at this historical assembly of the Fathers of Confederation, wherein John A. Macdonald, with his clear and well-stocked mind and his exceptional political skills, emerged very early as the *primus inter pares*, the first among equals.

Pope's book is a valuable collection of notes on this timely meeting that was the Confederation Fathers' Quebec Conference. These hitherto unpublished documents are an important part of our constitutional history.

I thank honourable senators for their attention and for listening. If Canada has been as successful as it has been for 150 years — I always hasten to say 150 years in Constitution time is a long time if you compare us to other countries. This is because we were gifted and blessed with a group of men who, at a particular point in history, for many different reasons, were eager and willing to talk, discuss and debate until they could reach agreement.

When you read the debates, when you read these books, you see the eagerness of these men to get to agreement. They would overlook their differences and move on to overcoming the essential problems.

I think, colleagues, we are here because of the existence of these individuals and because they have taught us, after all, that the purpose of all government is for what? You must already know the answer: peace, order and good government. Thank you.

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak, this inquiry is considered debated.

(On motion of Senator Martin, debate adjourned.)

(At 6:37 p.m., the Senate was continued until tomorrow at 2 p.m.)

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